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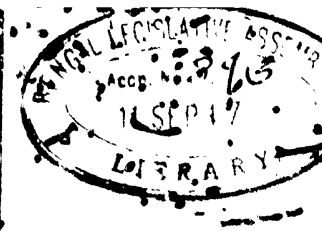

Assembly Proceedings

Official Report

Bengal Legislative Assembly

Fourth Session, 1938

15th, 16th, 17th, 19th and 22nd August, 1938

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Fourth Session.)

Volume LIII—No. 3.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly House, Calcutta, on Monday, the 15th August, 1938, at 4·45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. Azizul Haque, C.I.E.) in the Chair, nine Hon'ble Ministers and 225 members.

Oath.

The following gentleman took the oath or affirmation of his allegiance to the Crown:

Mr. P. F. S. Warren.

STARRED QUESTIONS

(to which answers were laid on the table)

Cattle mortality in Patuakhali and Perojpur subdivisions of Bakargan).

*64. **Sj. NARENDRA NATH DAS GUPTA:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(i) that last year cattle plague took away a large percentage of the cattle in the Patuakhali and Perojpur subdivisions in Bakarganj district;

(ii) that many peasants were compelled to leave major portions of their lands fallow;

(iii) that consequently peasants affected could not gather sufficient harvest to maintain their families;

(*ii*) that actual famine condition existed in the Patuakhali sub-division;

(*iii*) that Government loan issued on that occasion was meant for buying seeds; but

(*iv*) that the peasants could not get any loans to buy their plough cattle;

(*v*) that *mahajans* are not advancing any money to the peasants as loans; and

(*vi*) that the peasants have been unable to buy any plough cattle and have their lands properly cultivated?

(*b*) Are the Government proposing issue of loans to the affected peasants to buy new cattle in place of dead ones?

(*c*) Is it a fact that this year too, these peasants will be compelled to leave a large portion of their lands fallow and will be unable to pay their rents and taxes and to maintain their families?

(*d*) Are the Government contemplating suspension of rent and revenue in these affected areas?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) 25 to 50 per cent of the cattle died from rinderpest in Perojpur. Parts of Patuakhali were also affected, but not to the above extent.

(*ii*) No lands were left fallow, but certain peasants leased out their lands to others, as usual.

(*iii*) Partial crop failure occurred due to cyclone, but not to absence of plough cattle.

(*iv*) There was scarcity in Patuakhali due to partial failure of *aus* crop damaged by *pamari* insects and to the cyclonic damage to the early *aman* crop.

(*v*) Agricultural loans issued by Government were meant for purchase of both seeds and cattle.

(*vi*) and (*vii*) Rs. 38,500 was advanced last year and Rs. 40,000 this year to enable Perojpur and Patuakhali tenants to purchase cattle.

(*viii*) Government have no accurate information on this point.

(*b*) Vide answers to (*v*), (*vi*) and (*vii*).

(*c*) and (*d*) No.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of taking up a comprehensive scheme for preventing cattle diseases in the district of Bakarganj which appear from year to year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That matter rests with the Agriculture Department, but I am sure that department will comply with the request made by the honourable member.

Sj. NARENDRA NATH DAS GUPTA: মন্ত্রী মহাশয় স্মরণ করে বলবেন কি যেখানে গতকল্য ২৫ থেকে ৫০টী গো মহিষ মারা গেছে,—সেখানে জমি অকর্ষিত অবস্থায় ছিলো না, সে তথ্য তিনি কোথা থেকে পেয়েছেন?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My statement is based on facts and not on imagination.

Mr. RASIK LAL BISWAS: আমরা বাংলায় question করি, অনেকে বাংলা ছাড়া ইংরেজী জানেন না, মন্ত্রী মহাশয় বাংলা জানেন, অতএব question এবং উত্তরটা বাংলায় দেবেন এই আশা আমরা করতে পারি।

Mr. SPEAKER: Unfortunately this cannot be done.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is not a fact that the loan granted to individual cultivators is not at all adequate for purchasing cattle and that no cattle has been purchased by the cultivators for want of money?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not a fact.

Sj. NARENDRA NATH DAS GUPTA: মন্ত্রী মহাশয় জানেন কি পাটুয়াখালিতে যে loan দেওয়া হয়েছিল তাতে ৫ টাকার উপর কাউকে loan দেওয়া হয় নাই।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not correct.

Dr. H. C. MUKHERJI: With reference to answer (a) (iii), will the Hon'ble Minister be pleased to state what reasons he has for telling us that 25 to 50 per cent. of the cattle which died from rinderpest consisted exclusively of bulls, milch cows and calves?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have never said that.

Sj. NARENDRA NATH DAS GUPTA: মন্ত্রী মহাশয় জানেন কি পটুয়াখালিতে যে loan দেওয়া হয়েছিল তাতে ৫ টাকার উপর কাউকে লোন দেওয়া হয় নাই?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am just now told by the Hon'ble Chief Minister that it is in his personal knowledge that in some cases Rs. 25 to Rs. 30 was granted to each individual cultivator.

Mr. RASIK LAL BISWAS:—[illegible] লোককে [illegible] টাকা মোট লোন দেওয়া হয়েছে [illegible] প্রতি লোক কত টাকা করে লোন পেয়েছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a matter of calculation and I would ask for notice.

Stud Bull Scheme of pasture lands.

*65. **Maulvi MUSLEM ALI MOLLAH:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(i) whether the object of the Stud Bull Scheme of His Excellency Lord Linlithgow is to produce better and healthier kind of cattle in Bengal;

(ii) the number of stud bulls since indented,

(iii) the amount of money spent thereby by the Government of Bengal; and

(iv) whether the maintenance of extensive pasture lands is the part and parcel of the scheme?

(b) Will the Hon'ble Minister be pleased to state what steps Government have taken or are proposing to take to maintain extensive pasture lands all over the province?

(c) Is it a fact that almost all the pasture lands of the province have been tenanted by the local zemindars?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) (i) Yes.

(ii) 1,380.

(iii) None. The entire expenditure has been met from the Government of India grant made for the purpose.

(iv) No.

(b) The member is referred to the answer given to clause (b) of unstarred question No. [illegible] by Maulana Md. Mamruzzaman Islamabadi on the 2nd August last.

(c) I believe so, but this matter concerns the Revenue Department.

Mr. PROMATHA RANJAN THAKUR: With reference to (a) (iii), will the Hon'ble Minister be pleased to state what is the amount of grant made by the Government of India for the purpose?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I ask for notice.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Is a non-member allowed in the Assembly Hall?

The Hon'ble Mr. A. K. FAZLUL HUQ: Perhaps he found the door open and entered the hall.

(At this stage the gentleman in question went out.)

Posting of two Sub-Inspectors of Excise and Salt in Calcutta.

*66. **Maulvi ABDUL LATIF BISWAS:** (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether it is a fact that Mr Jogendra Nath Chaudhury and Mr Dakshina Ranjan Sen Gupta, Sub-Inspectors of Excise and Salt, have been kept in Calcutta since 1932 and 1933, respectively—the former in different branches and the latter in Tree Tax branches?

(b) Is it a fact that a circular order was issued at the end of 1930 or thereabout to the effect that in the interests of other members of the subordinate service no officer would be allowed to stay in Calcutta for more than 3 years?

(c) If the answers to (a) and (b) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons for keeping such officers in Calcutta for more than 3 years?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (a) Sub-Inspector Babu Jogendra Nath Chaudhury has been in Calcutta since the 9th August, 1932, except for a period of long leave of 1 year and 5 months, and Sub-Inspector Babu Dakshina Ranjan Sen Gupta since the 24th October, 1933. Both the officers worked in different branches.

(b) No.

(c) Does not arise.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I, Sir, bring to your notice that the Hon'ble Mr Prasanna Deb Raikut is to-day unavoidably absent? So, may I suggest that the question may stand over till to-morrow?

Mr. SPEAKER: What I propose is that the answers to the questions concerning his department may be taken as read and if any member wants to put any supplementary questions on any of those answers, he may do so to-morrow in the presence of the Hon'ble Minister.

Superintendents, Inspectors and Sub-Inspectors of Excise and Salt of various communities in Calcutta and neighbouring districts.

167. **Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing, district by district, for the districts of Calcutta, Hooghly, Howrah and the 24-Parganas and community by community for the Hindus and Muslims—

(*i*) the present total number of Superintendents of Excise and Salt;

(*ii*) the number of them that are (1) Muslims and (2) Hindus,

(*iii*) the present total number of Inspectors and Sub-Inspectors of Excise and Salt; and

(*iv*) the number of them that are (1) Muslims, and (2) Hindus?

(*b*) Will the Hon'ble Minister be pleased to state whether there is a circular order issued by the Government to the effect that in Calcutta and the districts nearabout half the number of the Excise officers shall be Muslims?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state

(*i*) the reasons for the inadequate representation of the Muslims in those services; and

(*ii*) whether he is considering the desirability of urging upon the strict compliance with the said circular order?

(*d*) Will the Hon'ble Minister be pleased to state whether at the end of the year 1936 a circular order was issued by the Government to the effect that in the interests of other members of the Subordinate Excise Service no officer would be allowed to stay in Calcutta for more than 3 years?

(*e*) If the answer to (*d*) is in the affirmative will the Hon'ble Minister be pleased to state

(*i*) whether such officers have been kept in Calcutta for more than 3 years since the issue of that circular,

(*ii*) the number of such officers, and

(*iii*) the number among them who are (1) Hindus and (2) Muslims?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) A statement is laid on the Library table

(*b*) and (*d*) No.

(*c*) and (*e*) Do not arise.

Forest grievances in Chittagong.

*68. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether, according to the assurance of the Hon'ble the Chief Minister in reply to my token cut motion on budget demand for Forest grant in the last Assembly session, the subject of Forest grievances in Chittagong was taken up by the Cabinet?

(b) If so, what decision has been arrived at?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The matter is still under consideration and discussion and no final decision has been arrived at.

Oppression by the Chittagong Forest Department.

*69. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** (a) Has the Hon'ble Minister in charge of the Forest and Excise Department received any representation on the treatment accorded to 50 Jumia families of 4 forest villages in the Cox's Bazar subdivision?

(b) If so, what steps, if any, have been taken in the matter?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (a) Yes.

(b) No steps necessary to be taken, as the allegations made are not correct.

Throwing of stones by hooligans at the peaceful processionists accompanying Srijut Subhas Chandra Bose.

*70. **Mr. DHIRENDRA NATH DATTA:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that there was throwing of stones by some hooligans at the peaceful processionists who went to receive Srijut Subhas Chandra Bose, the President of the Indian National Congress, when he went on a visit to the town of Brahmanbaria in the district of Tippera on the 15th June last and stones were thrown at the car of Srijut Subhas Chandra Bose?

(b) If the answer to clause (a) is in the affirmative, whether it is a fact that Srijut Subhas Chandra Bose was injured as a result of stone-throwing along with others?

(c) If so, how many people received injuries therefrom?

(d) Whether it is a fact that the hooligans assembled in the compound of the George High English School close to the railway line and

threw stones and shoes at the train which had reached Brahmanbaria half an hour before the train by which Netaji Subhas Chandra Bose reached Brahmanbaria and the station master informed the Subdivisional Police Officer and Subdivisional Officer of that?

(e) Whether it is a fact that the hooligans were in an excited mood and carried black flags and used exciting slogans and abusive languages towards the processionists in the presence of the Subdivisional Officer and Subdivisional Police Officer?

(f) Whether the Police Officer in charge of the subdivision and the Subdivisional Officer did take any steps to prevent the incident?

(g) If the answer to clause (f) is in the negative, will the Government be pleased to state why no step was taken?

(h) If the answer to clause (f) is in the affirmative, what were the steps taken?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Some stones were thrown from the south of the railway line as the procession was turning north into the town after coming along the station approach road on the north of the line.

(b) Mr. Bose sustained a slight injury on the neck.

(c) About fifteen persons in all were injured.

(d) A crowd had assembled in the compound of the George High English School which borders the railway on the south at the level-crossing. A shoe was thrown from the south of the line at the train preceding that by which Mr. Bose travelled. The Subdivisional Officer and Subdivisional Police Officer received information of this fact only about 10 minutes before Mr. Bose's train was due to arrive.

(e) Black flags were carried and party slogans (but no abusive comments) shouted by an orderly group of Muslims standing on or near the route of the procession. The group in the George High English School had been harangued for about two hours and were in a somewhat excited mood. They were not carrying black flags and were too far away for abusive language (if used) to be heard by the procession.

(f) Yes.

(g) Does not arise.

(h) Precautionary measures were taken by requiring licences to be taken for processions and such licences were taken by the Congress party and the Muslim League. No licence was applied for for the meeting in the George High English School and the Subdivisional Officer and the Subdivisional Police Officer were not aware that it was being held until shortly before the incident. The Subdivisional Police Officer had however directed the posting of constables in reserve near the route: when the stone-throwing took place the Subdivisional Officer

and Subdivisional Police Officer themselves dispersed the crowd with the aid of some bystanders.

Mr. DHIRENDRA NATH DATTA: With reference to question (f), will the Hon'ble Minister be pleased to state what steps were taken to prevent the incident?

The Hon'ble Khwaja Sir NAZIMUDDIN: They required licenses to be taken out for any procession and they posted police along the route of the procession. These two acts are definite indications of the steps taken by the officers for preventing any ugly incident.

Mr. DHIRENDRA NATH DATTA: Was any attempt made to disperse the crowd of Muslim hooligans before the procession went to the route?

The Hon'ble Khwaja Sir NAZIMUDDIN: Which part of the question is the hon'ble member referring to?

Mr. DHIRENDRA NATH DATTA: I am referring to answer (e) —"Black flags were carried and party slogans (but no abusive comments) shouted by an orderly group of Muslims standing on or near the route of the procession", etc., etc.

The Hon'ble Khwaja Sir NAZIMUDDIN: No attempt was made, because, they had not done anything to which any exception could be taken.

Mr. DHIRENDRA NATH DATTA: When the Subdivisional Officer came to know that the persons who had assembled in the George High School and had been harrangued for about two hours and were in an excited mood, was any attempt made to disperse the crowd?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. DHIRENDRA NATH DATTA: When the Subdivisional Officer came to know that no licence was applied for for the meeting at the George High English School and also that the meeting was being held in an excited mood, was any attempt made to disperse the meeting?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, because the Subdivisional Officer came to know of this only shortly before the incident.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what was the time before the Subdivisional Officer came to know that there was a meeting in an exciting state and some exciting speeches were made in the George High School?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, as regards the actual number of minutes, hours, etc., before the Subdivisional Officer came to know of this thing.

Mr. JOGESH CHANDRA GUPTA: What steps, if any, were taken after the incident to find out the actual culprit?

The Hon'ble Khwaja Sir NAZIMUDDIN: The authorities of the school—the Secretary and the Headmaster—were questioned and they claimed all knowledge and they said that they were not responsible for the meeting; and, what is more, their permission was not taken to hold the meeting. At the same time investigations were made on the spot but it was difficult to identify the people who had thrown the brickbats.

Mr. JOGESH CHANDRA GUPTA: Beyond questioning them, have any steps been taken in the shape of prosecution or warning?

The Hon'ble Khwaja Sir NAZIMUDDIN: No prosecution could take place because the people who had taken part in it could not be identified.

Offences against women.

*71. **RAI HARENDRA NATH CHAUDHURI:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state what steps are being taken to control and bring down the number of offences against women?

(b) Is the Hon'ble Minister aware—

(i) that the number of such offences committed in this province is unduly large; and

(ii) there exists a feeling against the police administration of this province?

(c) Is the Hon'ble Minister further aware that the Additional Sessions Judge of Alipore remarked in connection with a recent case tried by him that attacks of a carnal nature upon women are very common in the district of the 24-Parganas and it is but seldom that courts at Alipore are not engaged in the trial of cases of rape, kidnapping and abduction?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) The attention of all officers in the Police Department has been drawn on a number of occasions to the need for dealing energetically with this class of crime. In

1936 an Act was passed to provide for whipping as an additional punishment in the case of certain offences against women.

(b) (i) The number is certainly larger than I would have wished.

(ii) No.

(c) Yes.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister please state what further measures the Government contemplate to take to control and bring down the number of this class of crime?

The Hon'ble Khwaja Sir NAZIMUDDIN: At present Government have no proposal for any further measure.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what are his grounds for stating that there exists no public feeling against the police administration of this province having regard to the very large number of such cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already said, Sir, the number is larger than what I would have liked, but, certainly, there is a definite decrease and not increase in the number of this class of crime, compared to what used to take place in the past.

Junior Madrasahs in the Rangpur district.

*72. **Mr. SHAH ABDUR RAUF:** Will the Hon'ble Minister in charge of the Education Department be pleased to state

(a) how many junior madrasahs are there at present in the district of Rangpur both recognised and unrecognised,

(b) how many of them receive grants-in-aid from the Government;

(c) when was each of the unrecognised madrasahs started, and

(d) what is the reason for the unrecognition by the Government?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) 42 (39 recognised and 3 unrecognised).

(b) 22.

(c) (1) Kurgoria Junior Madrasah established in 1928.

(2) Tabakpur Junior Madrasah established in 1935.

(3) Chowdhurani Junior Madrasah established in 1937.

(d) (1) Though started long ago, it is not as yet a full-fledged junior madrasah, so for departmental recognition.

(2) and (3) Started only recently and there are many defects which are to be removed before they are fit for recognition under the departmental rules.

Deforestation of Khas Mahal Protected Forest in Cox's Bazar.

*73. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** (a) Is the Hon'ble Minister in charge of the Forest and Excise Department aware that the Collector and the Commissioner of Chittagong gave their recommendations in favour of deforestation of Khas Mahal Protected Forest in Cox's Bazar and transfer to the Khas Mahal as before?

(b) If the answer to (a) is in the affirmative, why effect has not been given to their recommendations?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (a) No.

(b) Does not arise.

Depredations by wild elephants in Fatikchari police-station.

*74. **Al-Haj Maulana Dr. SANAULLAH:** (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether he is aware that in Datmara Union Board No I of police-station Fatickchari, district Chittagong, wild elephants have recently been playing havoc by destroying the banana gardens, jackfruit gardens and *aus* paddy?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what immediate steps are proposed to be taken to stop this kind of depredations?

(c) Is the Hon'ble Minister considering the desirability of accepting any or all of the following preventive measures suggested by the suffering inhabitants of the locality itself, namely—

(i) Government to declare that tusks of the elephants killed to be given to the killer as a reward;

(ii) Government to provide paid expert hunters with guns, and

(iii) Government to permit free *kheda* for local people?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (a) Yes.

(b) Under section 3 of the Elephants Preservation Act, 1879 (Act VI of 1879) and the 1935 declaration of the Collector, the villagers are competent to destroy any elephant found damaging their property. But no one attempts to kill the wild elephants in question as they are locally known as Pir's elephants. Government do not propose to take any further steps in the matter.

(c) (i) Government have already prescribed a form of licence for shooting elephants under which the licensee may keep the tusks of one tusker for each *makhna* shot

(*ii*) The question of entertaining professional shikaries provided with suitable weapons supplied by Government is under contemplation.

(*iii*) *Kheda* licences are being granted to the local people, but Government do not consider that such licence should be free of royalty.

Detenu Snehamoy Dutta of Feni.

*75. **Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact that detenu Babu Snehamoy Dutta, son of the late Chandra Kanta Dutta, of Feni, was brought twice from the place of his domicile to Suryakanta Hospital, Mymensingh, in a very precarious state of health?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the disease he is suffering from?

(*c*) Is it a fact that a petition for interview by his elder brother, Babu Santimoy Dutta, was rejected?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*e*) Do the Government contemplate his release in view of his present state of health enabling him to get proper medical treatment under the care of his mother and brothers?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) The detenu complains of pain in his chest which appears to arise from an injury received eight years ago. He has no other disease. He was twice taken to hospital for examination and treatment.

(*c*) No.

(*d*) Does not arise.

(*e*) He will shortly be released.

Chaukidars and dafadars in the Kalindi Union Board.

*76. **Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact—

(*i*) that there are 10 *chaukidars* and one *dafadar* under the Kalindi Union Board in police-station Ramnagar in the district of Midnapore;

(*ii*) that of them, 9 *chaukidars* and the *dafadar* come from one and same village of Kalindi;

(*iii*) that 7 *chaukidars* of the said Union do not reside in their own beats;

(*iv*) that Shaikh Janab was a *chaukidar* of a beat in which he did not reside and died on the 17th June 1937;

(*v*) that on his death the people residing within the said beat made representation to the then *Panchayat* to nominate a person from the said beat to be a *chaukidar* and the said representation was forwarded to the Subdivisional Officer, Contai, along with the nomination roll;

(*vi*) that the *Panchayat's* nominee is about 27 years old, literate, resides within the beat and possesses a good physique;

(*vii*) that the nominee himself, his father and grandfather were *chaukidars* before the appointment of Shaikh Janab deceased as *chaukidar*;

(*viii*) that the said Union Board after the first constitution unanimously recommended the *Panchayat's* nominee for the post and also made an alternative proposal for the reduction in number of *chaukidars* from 10 to 9 and in that case not to make any new appointment;

(*ix*) that the nomination of the then *Panchayat* and the present Union Board has been rejected and the proposal for reduction in number of *chaukidars* has been turned down;

(*x*) that the said Union Board has been informed of its nomination being rejected;

(*xi*) that a second nomination was invited from the said Union Board before another person was appointed;

(*xii*) that the said Union Board's opinion about the person appointed by the Subdivisional Officer, Contai, was sought; and

(*xiii*) that if the newly-appointed *chaukidar* is about 50 years old, illiterate and short of hearing, does not reside within his beat and is an inhabitant of the village of Kalindi from which 8 *chaukidars* and one *dafadar* were already appointed?

(*b*) If the answers to (*v*), (*vi*) and (*xii*) in (*a*) are in the negative, will the Hon'ble Minister be pleased to state whether the Subdivisional Officer, Contai, has followed the instructions contained in Bengal Government's letter Nos. 795-799Pl., dated the 22nd February, 1926?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a copy of the Bengal Government letter Nos. 795-799Pl., dated the 22nd February, 1926?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*), (*ii*) and (*iv*) Yes.

(*iii*) The number is 6, not 7.

(*v*) There is no trace of any such representation having been received by the Subdivisional Officer.

(*vi*) and (*vii*) Do not arise.

(*viii*) The President of the Union Board submitted a nomination roll

that any alternative proposal for the reduction of the number of *chaukidars* was received in the office of the Subdivisional Officer.

(*ix*) The nomination of Bepin Behari Sau was turned down. The proposal for the reduction in the number of *chaukidars* cannot be entertained as the area is large and the number of houses considerable.

(*x*) It does not appear that the Union Board was informed.

(*xi*) and (*xii*) No.

(*xiii*) The newly-appointed *chaukidar* Shaikh Dwarat was about 36 years of age and was illiterate but his hearing was normal and he possessed a good physique. He resided in village Kalindi.

(*b*) As the Subdivisional Officer did not give the Union Board an opportunity of expressing their opinion on the merits of Shaikh Dwarat the District Magistrate has already asked the Subdivisional Officer to set aside his appointment and to follow Government instructions in filling up the vacancy.

(*c*) The copy of the letter is placed on the table.

The letter referred to in the reply to clause (c) of starred question No. 76.

GOVERNMENT OF BENGAL

POLITICAL DEPARTMENT

(Police.)

Circular Nos. 795-799Pl.

From L. BIRLEY, Esq., C.I.E., I.C.S., Chief Secretary to the Government of Bengal,

To—All Commissioners of Divisions.

Calcutta, the 22nd February, 1926.

SIR,

I am directed to invite your attention to section 20 (*1*) of the Bengal Village Self-Government Act, 1919, on the subject of appointment of *dafadars* and *chaukidars*—

"20. (*1*) The Union Board shall, when a vacancy exists, nominate a person to be a *dafadar* or a *chaukidar* under this Act, and the District Magistrate shall, if satisfied with such nomination, appoint such nominee:

Provided that, if the Union Board fails within a reasonable time to nominate a person to be a *dafadar* or a *chaukidar*, or, if the District Magistrate is not satisfied with such nomination, the District

Magistrate shall appoint any person, whom he thinks fit, to be a *dafadar* or a *chaukidar*."

2. The Governor in Council desires that in all cases in which the District Magistrate does not appoint the Union Board's nominee he shall inform the Union Board of his reason for not doing so. He also desires that when the Union Board's nominee is rejected, the District Magistrate, before appointing another person, shall either obtain a second nomination from Union Board or shall give the Union Board an opportunity of expressing their opinion on the appointment which he proposes to make and shall consider that opinion.

3. These instructions will be included either in revised rules under the Act or in a Chaukidari Manual for use in Union Board areas, the preparation of which is under consideration. In the meantime I am to request that they may be communicated to all District, Subdivisional and Circle Officers, and also to the Superintendent of Police in any area in which the District Magistrate's power to appoint *dafadars* or *chaukidars* has been delegated to him under section 47 read with Schedule III of the Act.

I have, etc.,

Sd. L. BAILEY,

Chief Secretary to the Government of Bengal.

Dr. NALINAKSHA SANYAL: With reference to answer (a), viz., the nomination of Bepin Behari Sau was turned down, will the Hon'ble Minister be pleased to state the reason for such turning down as required under paragraph 2 of the letter placed on the table?

Mr. SPEAKER: Does that question arise in view of the answer (b)?

Dr. NALINAKSHA SANYAL: Yes, Sir. That was about the appointment of a new man and this was about the rejection of the first nomination.

The Hon'ble Khwaja Sir NAZIMUDDIN: Government are not bound to accept the nomination. They only consult the Union Board but have the right to appoint chaukidars.

Dr. NALINAKSHA SANYAL: Sir, my question is what reason the Government have in rejecting the nomination? It is incumbent on the District Officer to state reasons as required under this letter. He shall inform the Union Board of his reason for not doing so.

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member will kindly enquire of any member of the Union Board concerned, he will find the reason.

The film "Mano-Movee Girls' School."

77. Maulvi ABU HOSSAIN SARKAR: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) of a line "*Bhaio Mano Mary Ghosh-er-Vandan-e*" in a cinema film named "Mano-Movee Girls' School" shown now and then in Bengal; and

(*ii*) of a feeling amongst some sections of Indian Christians over that line?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate taking immediate steps for the omission of that line from the film?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes

(*ii*) and (*b*) No.

Dr. H. C. MUKHARJI: Is the Hon'ble Minister aware that the line quoted in (*a*) (*i*) taken along with the context is a direct insult to our religion?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this matter was referred to a very highly respected member of the Indian Christian community, and it was his definite opinion that it did not in any way offend the religious susceptibilities of the community.

Dr. H. C. MUKHERJI: May I enquire whether the Indian Christian in question is a Catholic?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

The District Agricultural Officer.

37. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) the utility of keeping a District Agricultural Officer and his staff in every district with an expenditure of public money; and

(iii) the short description of works done during the last two years in every district of the Chittagong Division?

(b) If any seed distribution has been done by these officers, will the Hon'ble Minister be pleased to publish a statement showing the name and amount of seeds, where and to whom distributed and whether these have been distributed free or not?

(c) Will the Hon'ble Minister be pleased to state whether Government contemplate—

(i) abolishing these posts; and

(ii) placing the money available in the hands of the District Board for the betterment of agriculture and the agriculturist?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) (i) The District Agricultural Officers and the staff under them are essential for the demonstration of the results of experiments and research carried on by the expert staff of the department, thereby enabling the cultivator to adopt new and improved varieties of crops and improved methods of agriculture. These officers are the only medium through which the benefits of the experiments and research done by the department can reach the cultivator. The utility of the District Agricultural Officers and the staff under them has never before been questioned. In fact there is a persistent demand for increase in the number of District Agricultural Officers and demonstration staff.

(ii) A statement is placed on the table.

(b) Distribution of seeds is done on a wide scale. The preparation of a statement of the kind asked for would involve an amount of time and labour not commensurate with the advantage to be gained therefrom.

(c) The abolishing of the posts is not contemplated.

Statement referred to in the reply to clause (a) (ii) of unstarred question No. 37, regarding work done by the District Agricultural Officers of Chittagong, Noakhali and Tippera, during 1936-37 and 1937-38.

Chittagong district. The District Agricultural Officer and his staff were mainly engaged in carrying out the most beneficial and useful results of research to the cultivators in the district. Demonstrations of seeds, crops, manures, implements, etc., were also carried out. Practical ways and means of improving agricultural conditions were explained. Through lantern lectures and cinema shows, the activities of the department were explained by the District Agricultural Officer to the cultivators. The District Agricultural Officer was also in charge of the agricultural activities of the Khas Mahal and Court of Wards.

estates in the district. Union Board farms were started and worked by the District Agricultural Officer.

Noakhali district.—Demonstrations of improved seeds, manures, etc., were carried out with great appreciation by most of the cultivators. Lantern lectures describing the activities of the department were given by the District Agricultural Officer. The people of the locality have appreciated improved varieties of paddy which has created great demands. Six Union Board farms were started and worked by the District Agricultural Officer.

Tippera district.—Besides working the Tippera District Farm, the District Agricultural Officer had to supervise the work of the Demonstrators employed under the Court of Wards estates, etc., as well as the demonstration work of 5 departmental Demonstrators in 1936-37, which number was increased to 6 in 1937-38. During the same year the duty of supervising the work of one Overseer and two Demonstrators under the Indian Central Jute Committee and of a special Demonstrator in connection with Jute Restriction Propaganda also devolved on the District Agricultural Officer. Extensive propaganda was made throughout the district for the use of improved seeds, implements and manures. Numerous meetings were held largely attended by cultivators, in which lantern shows on improved agriculture were given. Twelve Union Board farms were also started and worked by the District Agricultural Officer.

Khan Bahadur MOHAMED ALI: Will the Hon'ble Minister be pleased to state as to who supervises the work of these district agricultural officers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The Director of Agriculture.

Khan Bahadur MOHAMED ALI: Is the Hon'ble Minister considering the desirability of placing the services of district agricultural officers at the disposal of District Boards so that closer supervision may be made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If the honourable member will please come and see me, I shall be pleased to discuss the matter with him.

Jute Enquiry Committee.

38. Maulvi MUHAMMAD ISRAIL: *(a)* Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Jute Enquiry Committee proposed in the Budget

speech of the Hon'ble Minister in charge of Agriculture and Industries, has been appointed?

(b) If the answer to clause (a) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(c) What are the terms of references for such Committee and what is the approximate time expected to be taken by the Committee?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) Yes.

(b) Does not arise.

(c) The terms of reference include the following:—

(1) the regulation of the production of jute;

(2) the marketing of jute;

(3) the improvement of the price of jute;

(4) the fixation of the price of jute; and

(5) the jute forecast, including the collection of information regarding stocks in hand.

The Committee is expected to take not more than 7 or 8 months.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state when the Committee is likely to begin its work?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is for the Committee to decide.

Weaving schools and weaving demonstration parties in the province.

39. Maulvi MUHAMMAD HASANUZZAMAN: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(i) how many peripatetic weaving schools and weaving demonstration parties have been working in the province, and when have they been started;

(ii) how many of them are permanent and how many temporary;

(iii) how long the latter ones have been working on a temporary basis; and

(iv) whether the Government have obtained reports about the utility of their works?

(b) If the answer to (a) (iv) is in the affirmative—

(i) why they have not yet been made permanent; and

(ii) are the Government considering the desirability of making them permanent in near future; if so, when?

(c) If the answer to (a) (iv) is in the negative, why have they been retained?

(d) (a) Are the members on the staff of the above mentioned temporary establishment getting increment in their salary with retrospective effect on being taken into permanent staff?

(b) If not, why not?

(c) Is it a fact that unlike other Government servants under the Bengal Government this temporary period of service has been prolonged for a considerably long period of time?

(f) Are the Government considering the cases of these itinerant parties?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) (i) to (iii) A statement is placed on the table.

(iv) Yes.

(b) I am considering the question of permanency.

(c) Does not arise.

(d) (i) and (ii) I do not understand the question. Some members of the temporary staff have been given incremental scales of pay.

(e) and (f) Vide answer to clause (b) of the question.

Statement referred to in the reply to clause (a) (i) to (iii) of the unstarred question No. 39.

	Total number of schools and parties working in the province	Number of schools and parties which are permanent	Number of schools and parties which are temporary	Date of starting of the schools and parties
	(1)	(2)	(3)	(4)
Peripatetic Weaving schools.	26*	8	18	8 permanent schools started prior to 1920. Of the temporary schools, 17 in 1926 and 1 in 1936.
Weaving demonstration parties.	5†	2	3	2 permanent parties started in 1921. Of the temporary parties 1 in 1926 and 2 in 1928.

*Excludes 2 schools sanctioned in 1938.
†Excludes 2 jute and 2 wool-weaving parties under the unemployment relief scheme.

Introduction of a Bill to amend the Bengal Village Self-Government Act, 1919.

40. Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Government intend to introduce any Bill to amend the Bengal Village Self-Government Act, 1919, in the next session of the Assembly on the lines of the Private Members' Bill given notice of on the aforesaid Act?

Minister in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): I regret I have not been able to adopt such a course.

Health of Srijut Monoranjan Ray, a detenu.

41. Sj. NARENDRA NATH DAS GUPTA: (a) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(i) what is the present state of health of Srijut Monoranjan Ray now detained in Dinajpur district; and

(ii) whether it is a fact that he has been suffering from acute troubles and pain in knee joint and can hardly walk?

(b) If the answer to (a) (ii) is in the affirmative, what arrangement, if any, has been made for his treatment?

(c) Is the Hon'ble Minister aware that with an allowance of Rs. 25 per month the detenu, specially when suffering from diseases, is unable to meet his expenses?

(d) If the answer to (c) is in the affirmative, are the Government considering the desirability of granting him a suitable increment of his allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) I have received no report of ill-health and since the individual in question has been unconditionally released, I do not propose to institute enquiries.

(c) No.

(d) Does not arise.

Increment of allowance of Srijut Narendranath Das, a detenu.

42. Sj. NARENDRA NATH DAS GUPTA: (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware—

(*i*) that the father of Srijut Narendranath Das, M.A., of Swarup Kathi, a detenu, had to resign his post as a teacher on account of old age; and

(*ii*) that when he was serving as a teacher the Government allowed him an allowance of Rs. 20 per month on account of his son?

(*b*) Do the Government contemplate an increment in allowance in view of the loss of service of the father?

(*c*) If so, are the Government considering the desirability of increasing it to at least Rs. 50 per month?

(*d*) Do the Government contemplate immediate release of Srijut Narendranath Das, M.A.?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) Although the detenu was a student when arrested, Government sanctioned an allowance of Rs. 20 on compassionate grounds.

(*b*) and (*c*) No. The enquiries made indicated no justification for such a course.

(*d*) Yes.

Health of Srijut Pushpa Ranjan Chatterjee, a detenu.

43. Sj. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) the present state of health of Srijut Pushpa Ranjan Chatterjee now detained in Dinajpur district,

(*ii*) whether it is a fact that he had been suffering from piles and was transferred to the hospital for treatment; and

(*iii*) whether it is a fact that while in hospital he used to get only three annas per day, by which he had to meet all his expenses of barber, washerman as well as pay for fruits and other articles bought by him?

(*b*) Is the Hon'ble Minister aware that, with three annas per day, the detenu could hardly meet his current expenses?

(*c*) Is it a fact that Rs. 7 or more are being deducted from his allowance per month for the extra expenditure he incurred when in hospital for buying necessaries and paying for washerman, etc.?

(d) Is it not a fact that the detenu's allowance was reduced when he required rice in hospital?

(e) Are the Government considering the desirability of making the full payment of his allowance amounting to only Rs. 25?

(f) Is the Hon'ble Minister aware that the inadequacy of hospital allowances is one of the main reasons why the detenus are unwilling to go to hospital unless they are compelled by dire necessity?

(g) If the answer to (f) is in the affirmative, are the Government considering the desirability of making payment of full amount of allowance to the detenu when in hospital?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) to (d) The information is not readily available and in view of the fact that this individual has been unconditionally released, I do not propose to pursue the enquiry which the honourable member suggests.

(e) and (g) Do not arise.

(f) No.

Message from the Bengal Legislative Council.

The Secretary read the following message received from the President of the Bengal Legislative Council:

The Bengal Legislative Council at its meeting held on the 12th August, 1938, has in pursuance of section 75 of the Government of India Act, 1935, considered the recommendations of the Governor contained in his message relating to the Bengal Tenancy Amendment Bill, 1938, in detail and has adopted the amendments contained therein. The Council has accordingly agreed with the decisions of the Assembly.

The Bengal Money-lenders' Bill, 1938.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg to present the *ad interim* report of the Select Committee on the Bengal Money-lenders' Bill, 1938.

Mr. SPEAKER: I may inform the House that the Select Committee on the Bengal Money-lenders' Bill, 1938, have asked for time till the 31st October, 1938. Is it the pleasure of the House that the time should be given?

(Pause.)

(As there was no objection from any side of the House, the time asked for was taken to be granted.)

Rai HARENDRA NATH CHAUDHURI: In that case, sir, may I enquire why the motion for cremation was not accepted by the Hon'ble Minister?

Mr. SPEAKER: I can quite understand your point, but the matter is for the present already settled.

SUPPLEMENTARY DEMANDS FOR GRANT.

25—General Administration.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, on the recommendation of the Governor I beg to move that a sum of Rs. 1,00,000 be granted for expenditure under the head "25—General Administration—General Administration—Publicity" during the year 1938-39.

Sir, I want to make it clear that I have moved the demand for Rs. 1,00,000 only and I am not moving for the other Rs. 1,00,000 for rural reconstruction.

Dr. NALINAKSHA SANYAL: May we take it that it will not be moved at all in this session?

Mr. SPEAKER: Unless there is a fresh supplementary demand, it cannot be taken up.

Mr. ABDUL HAKEEM: I beg to move that the sum of Rs. 1,00,000 under the head "25—General Administration—Publicity" be reduced by Rs. 100 to raise a discussion about the pay of the Director of Public Instruction. (SEVERAL MEMBERS FROM THE COALITION BENCHES: Not Public Instruction but Public Information.) I am sorry, Sir, it is a new thing which has been thrust upon us and therefore I have committed the mistake. Anyway, we are absolutely in the dark about the nature and procedure of the work that will be carried on by the Director of Public Information, as I have already stated, it is an absolutely new thing to us. So far as the supplementary budget for the year 1938-39 is concerned, and from the very very short note that is there on the body of the book, it is very difficult for us to make out what the real intention is. So far as we have seen, our experience in the past shows that there are certain favoured journals and newspapers who carry on propaganda on behalf of the power that be, and I do not know whether at the present moment it is in the contemplation of the power that be, the Hon'ble Ministers who are concerned in this case, that they are going to favour any particular newspaper or not. We expected that they would acquaint the House

with full information. So far as rumour goes, there are three newspapers, namely, the "Amrita Bazar Patrika", the "Azad" and the "Star of India". These three papers are going to be favoured by the Government of the day in order to carry on propaganda on behalf of the Government.

Now, Sir, another thing. So far as the demand is concerned it is simply said so much is necessary for the purpose of publicity. How that amount will be spent, what check there would be on the procedure, whether the whole amount will be misused, mis-spent or will be spent in a way which will be conducive to the best interests of the country at large we do not know. I would like the Hon'ble Minister moving for the demand to come forward with a comprehensive and clear-cut scheme and place that scheme before the House. We do not know whether the individual items of expenditure will at a later date be subject to scrutiny by a properly authorized body or properly authorized person or not. Anyway, we want light and more light. We cannot be struggling in the darkness of ignorance in this respect.

Now, Sir, as far as we are concerned the knowledge that is given to us, the light that is vouchsafed to us in the name of public information, our experience is that in the past when this Government did not come into power, but when some of the hon'ble members who occupy the Treasury Benches were in power in some capacity or other, then, that paper, the "Star of India" was there, and that "Star of India" carried propaganda even against that person who is now the Chief Minister of Bengal, and against him and his party all sorts of lies, all sorts of mischievous propaganda were carried on against the person who is now the Chief Minister of Bengal. I can give you chapter and verse how on the eve of election all sorts of lies were spread against him. Those are the credentials of the paper, namely, the "Star of India"—Mr. Speaker, it would appear from the "Star of India" in those ante-election days.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Surely we are not discussing the "Star of India" here, and I submit it is not relevant to what the "Star of India" said about the Chief Minister then.

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. When the mover of this motion, the Hon'ble the Home Minister has not thought fit to vouchsafe to the House what use will be made of this particular amount, if the grant is allowed by the House, is it not open to any member to proceed on his view of the matter and on suppositions more or less to discuss this matter?

Mr. SPEAKER: Provided he can make it relevant.

Mr. SANTOSH KUMAR BASU: Of course, Sir. I submit, Sir, that so far as the Honourable member is concerned he has been proceeding on the footing that if this grant is made such use may be made of it by the Government.

Mr. ABDUL HAKEEM: I have already explained, Sir, my difficulties in this matter. I am placing certain hypothesis before the House simply because, as I have stated, I am in the dark about the exact nature of the publicity for which such a vast amount will be spent.

I may refer the House to a publication that appeared in the "Star of India" of Monday, January 11, 1937. There you will see how there appeared this vanomous article in the "Star of India"

> "Muslim voters beware. Do you want Congressmen to rule Bengal? If not, send Fazlul Huq to the wall. Smash up the Proja Party. Mr. A. K. Fazlul Huq became Mayor of Calcutta with the help of Hindu Congress votes."

Mr. SPEAKER: I am not sure whether you can read these details. It is not relevant at all. You can certainly make out a case as to what use the Director of Public Information will make of his staff. But as regards the question of detail, that does not arise at all.

Mr. ABDUL HAKEEM: Anyway, Sir, my submission to you, and through you to the House is whether such a paper can be favoured with money over which this House has control. Our definite position is that we do not like that a paper of this description should be favoured at all with any money over which we have control.

Mr. SPEAKER: I am afraid here again you are making a mistake. The money is not for the purpose of subsidy to any newspaper. It is for the purpose of a separate Publicity Department, and you cannot assume there will be subsidy unless the Hon'ble Minister specifically mentions it. Here it is mentioned that it is merely to constitute a separate Publicity Department, and I take it that this demand is for this Department and nothing else.

Dr. NALINAKSHA SANYAL: May I draw your attention, Sir, to the lines following the few lines you read. It is this: "to constitute a separate Publicity Department, to place it in charge of a Director of Public Information with three assistants and to provide it with funds sufficient to enable it to function effectively."

Mr. SPEAKER: That does not mean subsidy.

Dr. NALINAKSHA SANYAL: Let us have an assurance from Government that it is not meant. We have every reason to believe at least on my own responsibility. I may state that the money provided is not merely meant for paying the staff, but for some other purposes. Let us know what the purposes are.

Mr. SPEAKER: You can merely ask that. I am quite prepared to concede that it would be perfectly competent and relevant for the members to demand the details of this grant as to whether any subsidy is going to be paid or not and you can generally refer to it; but on the assumption that subsidy will be given you cannot criticise the conduct of Government.

Mr. M. SHAMSUDDIN AHMED: Sir, our difficulty has been this. The Home Minister when he moved the motion did not make any speech as to what he will do with the money, whether a feast will be given, or something will be done, we do not know. So all sorts of surmises, assumptions and presumptions will be made. Therefore, Sir, it will be proper for the Hon'ble Minister to say something to enlighten the House.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, in view of the fact that the Hon'ble Minister has not thrown the slightest ray of light in the background of his mind and his ideas in this motion, the members of the House should certainly be entitled to draw their own conclusions from the manner in which the Hon'ble Minister presented this demand. I would therefore submit to you, Sir, that the members should have the right of drawing their own conclusions and making their own comments until and unless the Hon'ble Minister would think fit to throw more light on his intentions in this connection.

Mr. SPEAKER: I am afraid I have been misunderstood by you Mr. Mazumdar. I did not say that you cannot argue on this basis that since Government had not explained it as possible that it would be in the nature of a subsidy, but you cannot, on the assumption that subsidy will be given, discuss the merits of the motion.

Mr. SANTOSH KUMAR BASU: May I rise on a point of order? If we proceed on this basis that if subsidies are given to papers of this nature writings of this kind may be produced by these journals then for the purpose of strengthening our argument can we not produce articles from particular newspapers which we may assume, in the absence of any further light, to have been subsidized by Government?

Mr. SPEAKER: I will allow general discussion, but not the details.

Mr. SANTOSH KUMAR BASU: This is only for the purpose of emphasising our points and illustrating our arguments.

Mr. SARAT CHANDRA BOSE: May I rise on a point of order with reference to your observations? The motion asks for one lakh of rupees for the remaining of the current year. It is simple arithmetic that one lakh of rupees cannot possibly be required for the pay of the Director of Public Information and three Assistant Directors for the current year. Therefore, some other items must have been under contemplation.

The Hon'ble Mr. A. K. FAZLUL HUQ: To shorten the discussion, I may tell the House that it is not in the contemplation of Government to give a subsidy to anybody. If subsidy is to be given, we will give it to those who are antagonistic to us in order to tone down their remarks. Certainly, we are not going to pay money to our friends.

Babu NAGENDRA NATH SEN: Not even to the "Star of India"?

The Hon'ble Mr. A. K. FAZLUL HUQ: To the "Star of India" we will pay, because it has been my enemy slaughter.

Mr. ABDUL HAKEEM: I feel the Hon'ble the Chief Minister has spoken well. So far as our information goes, on the basis of a notification in the Gazette, we understand the favoured person who is now the Director of Public Information will draw a fat salary and will be in charge of the entire fund. That gentleman directly or indirectly did not support the cause of the Hon'ble the Chief Minister in the ante-election days. Therefore, it is right that this money will go to his enemy and not to his friend. He is more inclined to satisfy the gilded knights and bejewelled Nawabs who were his enemies. I thank him for admitting that. (Cries of "hear, hear" from the Congress benches.) It is a curious irony of fate that things have taken such a turn.

So far, however, as the actual procedure that is to be adopted by the Director of Public Information is concerned, we are kept in colossal ignorance. Now, Sir, as to whether the propaganda of the Muslim League will be carried on or not with this fund, will the Hon'ble the Chief Minister be pleased to tell this House, as he has just now said that he will pay money to his enemies and not to his friends? Will he, therefore, please state whether the Muslim League propaganda

will be carried on with this money? Or will he give this money to us, his present enemies, so that we may carry the banner of the Proja Party through the length and breadth of this country? We expect an answer from him on this point, because the Muslim League is now in his good books. We are definite on this point that we do not like that any political party of whatever denomination with whatever antecedents or credentials should be favoured to the extent that money will be spent to carry on its propaganda. These political parties will come and go, but the hungry millions—the peasantry of the country—will remain for ever, and if we spend this amount of money in order to ameliorate the distresses of the people of this country, if we spend it to alleviate the distress of the suffering humanity, if we, really speaking, spend money in order to bring necessary information to light and place it at the door of the peasantry of Bengal, so far as the sanitation, public health, medical relief, education and things of the kind are concerned, there is no man on earth who will stand in the way of spending one lakh of rupees. More lakhs of rupees may be spent; any amount of money may be spent if we can ensure that the people are better every to-morrow than to-day. I, therefore, like to hear from the Hon'ble Minister in charge, or on his behalf from the Hon'ble the Chief Minister to place before the House a clear-cut, definite, comprehensive scheme which will be followed in this matter of publicity. Moreover, he is in possession of facts, and, therefore, he should place before the House some details at least showing the way in which the Director of Public Information will be acting. Further, what check will be there? At a distant time the Director of Public Information may show some account that money has been spent, but how that money has been spent, whether there has been any abuse, who will see to that? Whether it will be subject to any check or scrutiny by any authority appointed in this behalf, is what we want to know. These are the items of information which we really and seriously require. If these things are placed before the House, we will give our definite opinion whether this sum of money should be spent or not. With these few words, Sir, I support the motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the very fact that the honourable mover of this motion mixed up the Director of Public Instruction with the Director of Public Information proves the necessity of the post of a Director of Public Information to educate the honourable mover of this motion.

Sir, I am surprised that this question should at all be discussed or raised in this House. It is well known that every Government, leave alone the provincial governments of India, even big Powers like Great Britain, America, Germany, Japan, China, they are all concentrating on publicity and propaganda. With all their vast resources, with all

the presses at their command; they have to appoint Publicity Officers and do propaganda work. No government can carry on, no government can get effective work done if there is no proper publicity and proper propaganda and in Bengal it is ten times more necessary in view of the fact that practically all the papers are terribly hostile to Government. It has been already mentioned by the Hon'ble the Chief Minister, but in this connection it will bear repetition that when the Government of Orissa provided three thousand rupees for libraries, these papers gave out that it was a great drive against illiteracy, whereas the Government of Bengal are spending lakhs of rupees on primary education and yet day in and day out there is criticism of Government that nothing is being done for removing the illiteracy of the masses. I can cite instances galore where deliberate and mischievous propaganda is made against all the activities of Government. Not only that, but no credit is given to them for whatever good they do and misrepresentation is made. The *Star of India* is the only English daily that does try to be fair and just. (Cries of "Ah!" "Ah!" from Opposition Benches.) The *Amrita Bazar Patrika*'s name has been deliberately brought in by the mover of the motion knowing full well that it is one of the bitterest critics of Government and whenever it finds a suitable opportunity it is ready to attack Government and yet its name has been mentioned by the mover of the motion, and the reason is obvious because of the association of the paper with certain honourable member.

Then again, another question has been asked whether this department or the Director of Public Information will do the Moslem League propaganda. The honourable member ought to know that there is such a thing as the Public Accounts Committee. The honourable member ought to know that the office of the Director of Public Information has been made into a Secretariat Department and the papers will be put up through the Chief Secretary. The Public Accounts Committee always check all expenditure—

Mr. SANTOSH KUMAR BASU: Is there one in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Rai HARENDRA NATH CHAUDHURI: Do

The Hon'ble Khwaja Sir NAZIMUDDIN: It does meet in the sense that we used to have Public Accounts Committee of the old Government and as far as this year is concerned, the honourable member ought to know that the accounts have not been finished yet and therefore the Public Accounts Committee have not yet met this year.

The Department of Public Information is not for the purpose of party propaganda. When Government provide money for any activity, it is for governmental activities only and not for party activities. A question of this kind which raises question of *bona fides* of Government is absolutely wrong, and I do not like to give any further reply to the point.

Publicity and propaganda are extremely necessary for this reason that not only we have got to broadcast the activities of Government, but there is another aspect of the question, namely, the educative value which the honourable member has himself admitted and recognised. There is a great deal of work to be done. I claim that as far as this sphere of work is concerned, it is practically an untouched ground and if we have a proper publicity and propaganda department they can undertake to educate the cultivators as to the right methods to be employed for agriculture; they can give assistance in educating the public regarding rural uplift work, as the honourable members are aware that the existing Publicity and Propaganda Department of Government also produce films for the purpose of educating the masses on public health, sanitation and education. These activities can be increased and multiplied; all these require money and then it may be necessary to issue and broadcast leaflets to educate the public or to give instructions as to how certain work has got to be done. Magic lantern lecturers also tour for the purpose of educating the masses—all these require money and therefore a sum of Rs. 1 lakh has been provided. Personally I consider that when this department develops and progresses more money will be required. Members of this House know.

Dr. NALINAKSHA SANYAL: Is there no subsidy?

The Hon'ble Khwaja Sir NAZIMUDDIN: That has already been replied to by the Hon'ble the Chief Minister. The honourable member has got no right to interrupt me and I refuse to be interrupted in this way.

Mr. SPEAKER: When a member does not want to be disturbed, you have no right to interrupt him.

Dr. NALINAKSHA SANYAL: It is inconvenient sometimes to be interrupted.

Mr. SPEAKER: Dr. Sanyal, my decision on your last interruption was that you are not to interrupt the Hon'ble Minister. This interjection is highly objectionable.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is well known, that the Madras Government have got a Publicity and Propaganda Minister. United Provinces and Bihar have gone in for a Special Officer for the Publicity and Propaganda Department. The Government of Bengal with its natural disadvantages of having the press against it—a hostile press—has the necessity of a Publicity Department 10 times more than the other provinces.

Babu NAGENDRA NATH SEN: May I rise on a point of information? May I know if there is any intention of Government to publish a newspaper of its own?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. It will be extremely expensive and one lakh of rupees will be absolutely insufficient for this. I am sure if the honourable member had consulted the Chief Whip of the Opposition, he would have told him that a sum of one lakh of rupees is hopelessly inadequate.

Mr. SANTOSH KUMAR BASU: It is cheaper to adopt the *Star of India*.

The Hon'ble Khwaja Sir NAZIMUDDIN: As the honourable mover of the motion has asked more light to be thrown on the matter, Government puts the headlights on it for the purpose of explaining Government policy to the Opposition.

I am sure that this is a demand which the whole House should unanimously support, because it is for the benefit of the masses for improving the condition in rural areas, for improving the economic condition of the agriculturists and masses and what is more it will be of immense benefit to the members of the Opposition, especially as they will be fully informed of the activities of the Government and they will not then have to ask questions and raise discussions unnecessarily in this House. So apart from all other considerations, for the purpose of giving true information about the activities of Government to the members of the Opposition, they should welcome this proposal of Government.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of information, Sir. May I know on what calculation exactly the amount of demand has been fixed at Rs. 1 lakh, neither less nor more?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a lump sum demand. It is difficult to forecast the exact amount that may be necessary but I have already explained how the money is going to be spent and the honourable members opposite need have no apprehension about it.

Mr. SANTOSH KUMAR BASU: Is it in the nature of a discretionary grant for faithful service?

Mr. SPEAKER: That does not require any answer.

Mr. JOGESH CHANDRA GUPTA: On a point of information, Sir. A lump sum of Rs. 1 lakh has been asked for, but no details have been worked out. The Treasury Benches do not know how actually the amount will be spent. Is that the position?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already indicated the lines on which expenditure will be incurred. It is only an estimate and does not represent the actual expenditure.

Mr. SANTOSH KUMAR BASU: Has the Public Service Commission been consulted regarding the appointment of the Director of Public Information?

Mr. SPEAKER: That question does not arise.

(The Hon'ble Chief Minister rose to speak.)

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the fact

Mr. M. A. H. ISPAHANI: Sir, may I know if it is question time now?

Mr. SPEAKER: Usually this is not the question time, and under ordinary circumstances I would not have allowed these questions to be put, but the difficulty is that, and I hope it will be realised, there has been no general discussion of this demand. Neither has the Hon'ble Minister supplied any explanatory memorandum in regard to the items of this grant beyond a brief note. So I am allowing questions to be put, so long as the Ministers are agreeable to answer them. Of course it is open to them not to answer.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, what the House would like to know, in view of the fact that only Rs. 1 lakh is asked for, is that the Hon'ble Minister should enlighten us as to what calculations were made to fix the amount at 1 lakh? In view of the fact that one lakh of rupees for our province is a very large sum indeed —

Mr. SPEAKER: I am afraid that is not a question; moreover, it has been answered already.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, my question was: was any exact calculation made——

Mr. SPEAKER: Well, that has been answered.

Mr. NIHARENDU DUTTA MAZUMDAR: Then, Sir, was this amount based on mere guess work?

Mr. SPEAKER: You have heard the Home Minister say that it is a lump sum grant.

Mr. SARAT CHANDRA BOSE: On a point of order, Sir. Would it not be better or perhaps would it not be right and in accordance with the rules of procedure of this House for the Chief Minister to reply at a somewhat later stage? You are aware, Sir, that there are different motions. There is, for instance, a motion for the rejection of this demand. There are motions also for reducing this demand by Rs. 99,999.

Mr. SPEAKER: I would much prefer if I could get an indication as to which grant is likely to be debated at length?

Mr. SARAT CHANDRA BOSE: Motion No. 38.

Mr. SPEAKER: But Motion No. 38 is not in order.

Mr. SARAT CHANDRA BOSE: If that is your view regarding that motion then I rise on a point of order. May I draw your attention to section 79(2) of the Government of India Act, 1935?

> "So much of the said estimates as relates to other expenditure, shall be submitted, in the form of demands for grants, to the Legislative Assembly and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to a demand subject to a reduction of the amount specified therein".

Mr. SPEAKER: Quite so, but it does not say that it must be in the nature of a substantive motion, and I take it that a substantive motion is there and the House by refusing it could comply with the provisions of this section, for, otherwise, it would be in the nature of a negative motion. Then there would be two motions before the House, one for acceptance and the other for refusal which would be contradictory. So you have to discuss it on the main demand, and I would give you and your party the fullest opportunity to discuss the rejection of the whole demand in that connection.

Mr. SARAT CHANDRA BOSE: I have got to accept your ruling on this point, Sir, although I respectfully dissent from it, having regard to the clear provision of section 79, to which I have referred. But if that is your ruling I may mention to you that we wish to take up Motions Nos. 45—48.

Mr. SPEAKER: That is perfectly in order, because, after all Rs. 1 will still be left in that case. No. 38 would have been in order if Government were moving two motions, that is for the 2-lakh grant.

Dr. NALINAKSHA SANYAL: I rise on a point of order, Sir. So long as the demand was as originally contemplated, namely, two lakhs, the reduction of one lakh was to be considered an economic reduction, but as soon as the Hon'ble Minister has chosen to reduce his demand to one lakh, this reduction of one lakh should be taken as a refusal motion, and the reduction motion should now be taken as a total refusal motion. I submit, it is a statutory right of members to refuse a demand.

Mr. SPEAKER: Yes; a statutory right, not in the form of a substantive motion but in the form of rejection of main demand.

Dr. NALINAKSHA SANYAL: You may take it as a rejection motion, Sir. A rejection motion is not moved in the form of

Mr. SPEAKER: I think, Dr. Sanyal, you have misunderstood me. I am not saying that the House is debarred from making its decision known that they want to reject the demand, but that should come on the discussion on the main demand. After all, rejection of a demand is as good as the refusal of the demand, and nobody in the world can say that there is any difference in a negative motion being accepted and the substantive demand being refused? After all it is the same thing. Of course I agree that there is still another point of view which can be argued as has been argued by Mr. Sarat Chandra Bose. We have the exceptional case in the case of a Bill where a section has sometimes been allowed to be entirely deleted, but this is for a different reason. In any case the rejection of the entire demand will be in order in discussing the main demand where Government have wanted a lakh of rupees. I am not shutting out discussion, nor am I taking away any statutory right of the House. I am only laying down a procedure as to how you can make out a case for the rejection of the entire demand.

Dr. NALINAKSHA SANYAL: May I enquire, Sir, at which stage the main demand will come under consideration? Can it be taken up now?

Mr. SPEAKER: Well, if that is the desire of the House and if the Leader of the House agrees as to what time limit should be put on the other demand, then I think the matter may be taken up now.

Mr. JOGESH CHANDRA GUPTA: Having regard to your ruling, I suggest that motion No. 45—48 may be called upon now and we could have a general discussion on this motion. That is the view of the Opposition, Sir.

Mr. SPEAKER: I take it then that Mr. Abdul Hakeem is not going to press his motion, as I must dispose of amendment No. 12 which has been moved by him.

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. After having called upon the Chief Minister to speak, do you think it is according to the conventions of the House to allow other speeches to be made?

Mr. SPEAKER: The Chief Minister has agreed to this course.

The question before the House is that the demand of Rs. 1,00,000 for expenditure under the head "25. General Administration—Publicity" during the year 1938-39 be reduced by Rs. 100 (to raise a discussion about the pay of the Director of Public Information and his staff).

The motion was put and lost.

Mr. ABDUL HAKEEM: I beg to move that—

Dr. NALINAKSHA SANYAL: I rise on a point of order, Sir. Is it in order for the Director of Public Information to canvas in this House and speak to members sitting in this House?

Mr. SPEAKER: I thought Dr. Nalinaksha Sanyal was not gifted with prescience and I wonder how he could find out if the Director of Public Information was canvassing in this House.

Dr. NALINAKSHA SANYAL: Well, Sir, I saw him talking and passing on slips to honourable members of this House. Is it permissible for him to do so?

Mr. SPEAKER: That is another matter, but that is not canvassing.

Dr. NALINAKSHA SANYAL: Then let us know the exact position, Sir.

Mr. M. A. H. ISPAHANI: I would ask Dr. Sanyal to withdraw his remark.

(Cries of "Oh, oh" from the Congress Benches.)

Rai HARENDRA NATH CHAUDHURI: Mr. Ispahani asks for the withdrawal of the remarks as if he were a Dictator!

Mr. SANTOSH KUMAR BASU: We have seen enough of your righteous indignation!

Mr. SPEAKER: Personally, I should say that I remember Dr. Sanyal himself talking to somebody in the gallery sometime back (laughter).

Mr. ABDUL HAKEEM: I formally move, Sir, that the demand of Rs. 1,00,000 for expenditure under the head "25—General Administration—Publicity" during the year 1938-39 be reduced by Rs. 99,999 (Publicity grant unnecessary).

Maulvi ABU HOSSAIN SARKAR: Sir, I support the motion moved by my friend, Mr. Abdul Hakeem, but before discussing anything about it, I would like to make my position absolutely clear as to the nature of this demand. I am not totally opposed to any kind of a Publicity Department, but I am opposed to a department which has begun with favouritism, or, if I may use the term, "with nepotism". Here, Sir, is a Director of Public Information who has been appointed without consulting the Public Service Commission, and this gentleman, so far as my knowledge goes, was only a junior officer in the Education Department. He was appointed early in 1927, and was drawing before his appointment to his present post, only Rs. 500 a month, and now he has been given a salary which is practically double that amount (Dr. NARINAKSHA SANYAL: Rs. 930, to be exact.). One of my friends suggests that he will draw in all Rs. 930, but nobody knows why this lift has been given to this gentleman and why he has been favoured in such a way. There is only one qualification which, we know, he has, and that is that he used to write some articles vilifying the Hon'ble Mr. Fazlul Huq when he belonged to the Krishak Praja Party. And now this Hon'ble Mr. Fazlul Huq comes forward with the statement that he will not spend money for any one of his friends, but he will give money to his opponents to tone down their opinion. Now, we find this is an instance to the point. Here is a gentleman who has been appointed Director of Public Information, who used to write scurrilous and vilifying articles against the Hon'ble Mr. Fazlul Huq, and so in order to tone down his vituperation and antagonism this kind of promotion has been given. It is a pertinent question, Sir, to ask what qualification or training this gentleman has for being appointed—

Mr. SPEAKER: I am afraid, Mr. Sarkar, I have to interfere at this stage. It is perfectly open to you to criticise that the grant is unnecessary and to state the reasons why it is unnecessary. It is also perfectly pertinent to say that the salary is too much for the post; but that the question of merit has been given the slightest consideration is wholly beside the point.

Mr. JOGESH CHANDRA GUPTA: Are we not entitled to point out that the gentleman who is being appointed as Director of Public Information or has been appointed, had absolutely no previous experience or qualification for the post?

Mr. SPEAKER: Certainly, he is perfectly entitled to do that, but he was not doing so.

Maulvi ABU HOSSAIN SARKAR: I was submitting that the gentleman who has been appointed Director of Public Information has practically no training or qualification for the post. (A MEMBER FROM THE COALITION BENCH: What should be the requisite qualification?) That ought to have been decided by the Public Service Commission. But the Government have no right to take away that function from that body and appoint a person as a matter of favour.

Now, Sir, it is also known that that gentleman was making propaganda in favour of the Muslim League under the name of Ain-ul-Mulk and he was writing several articles in the *Star of India*. Although it was known to the Hon'ble the Home Minister that he, being a Government servant, could take no active part in party politics and that it was proper that that gentleman should have been punished instead of being rewarded for doing so.

Mr. SPEAKER: I am afraid, you are going much beyond your limit. You are perfectly entitled to discuss the merit of the officer, but you are not entitled to make these allegations.

Maulvi ABU HOSSAIN SARKAR: Now, Sir, as regards appointing that gentleman without consulting the Public Service Commission, I appeal to my European friends and especially to Sir George Campbell that they should come forward and throw out the whole grant so that Government may be compelled to consult the Public Service Commission in future.

Now, Sir, as to the history of this department. Originally Government had a department under the Home Department and there was a Press Officer with one assistant. This gentleman used to do publicity work for the Government, and in addition to this he had to look after

the political prisoners also. Now that the detenus are almost all released and his pressure of work has diminished and as he has now another officer to help him, this publicity work can easily be entrusted to the Press Officer. I think there is no need for a separate Publicity Department independent of the Home Department. But if things are allowed to go on as at present and if communalism is spread by spending public money, the result will be disastrous to the country. Sir, therefore, submit, Sir, that the establishment of this separate department should be discouraged and the money demanded by the Home Minister should be disallowed.

With these words, Sir, I commend the motion for the acceptance of the House.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, I rise to support the motion of my honourable friend Mr. Abdul Hakeem. Before I proceed further, I would like to draw the attention of the House to the fact that though Rs. 1,00,000 has been asked for for the remainder of the current year and though the explanatory memorandum states that it is desired to constitute a separate Publicity Department and to place it in charge of a Director of Public Information with three Assistant Directors, and we can guess, Sir, what would be the salary of these four officers altogether, though that is the position, the Hon'ble Minister in charge of this matter has not vouchsafed any real information to the House as to what he is going to do with the rest of the money. Now, Sir, I should desire to remind the House that on the 30th July last, a newspaper of this city published the details of a scheme said to be adopted by the Minister and until now though 15 days have elapsed, though the Director of Public Information is on the saddle, until now there has been no denial that such a scheme has been adopted. Sir, on those facts I think I would be within my rights to place before the House my information regarding that scheme. The main idea behind the scheme appears to be that the activities of Government should be given the best possible publicity, and I do say before the House on the basis of the information at my disposal that the details of the scheme were actually adopted by the Ministry. The scheme proceeds further and says, a new post with the designation of the Director of Public Information should be created on a salary from Rs. 500 to Rs. 1,000 and, Sir, what follows is startling. What follows is this. The post should not be filled up, the post should not be filled up by the recommendation of the Public Service Commission, but the incumbent will be appointed by the Committee of the Cabinet mentioned therein, and the names of the members of the Cabinet who are to be placed in charge have also been publicly stated. Then, Sir, the scheme proceeds further. I am trying to place the scheme before the House as exactly as possible in the words in which they were published 15 days ago.

Now, Sir, as to the nature and vehicle of the publicity, according to the framers of the scheme, past experience has shown that pamphlets, leaflets and press-notes do not serve the purpose. They say that it is not a practical proposal, for they do not reach the proper place and there is difficulty in distribution. So the best effective method of publicity, according to the framers of the scheme, will be to subsidise certain newspapers—the number has not been given but the words are "to subsidise certain newspapers". The scheme proceeds —it is not expected that without subsidy the newspapers will almost from day to day reserve space for Government publicity and also make favourable comments on the activities and speeches and statements of the Ministers in the Assembly and outside. Now, Sir, the last portion of the scheme is the richest of all, and may I read it before the House. In respect of this propaganda and publicity, I am reading what the scheme says :—

> "For this propaganda and publicity (which includes subsidy to certain newspapers) Government should be prepared to spend one lakh of rupees for the current year" (the identical language) —and almost in identical language as my friend Minister (Rai Harendra Nath Chaudhuri) in the identical language) and almost in identical language as my friend Rai Harendra Nath Chaudhuri reminds me. "The subsidized newspapers should not only be helped from this fund, all Government departments should be instructed to help these papers with Government advertisements in preference to other newspapers whatever might be their importance in other respects".

Sir, this is the scheme which was published in one of the leading newspapers of Calcutta fifteen days ago, and until now, the Director of Public Information has not come out with any denial. Now, Sir, this House need not be reminded of the activities of the Press Officer of the Government of Bengal between the years 1932 and 1935. I have had no occasion, Sir, myself to raise that matter before the House, but I think the House will bear with me if I remind the House for one moment of the nature of those activities and of the similarity between the activities of the Press Officer of the Government of Bengal between the years 1933 and 1935 and the activities of the proposed separate Publicity Department. Now, Sir, this is what the Press Officer wrote about the state of affairs in the beginning of 1934:

"I have succeeded through personal influence, a judicious control of official advertisements"—almost in the same language as that of the Government scheme published fifteen days ago—"a judicious control of official advertisements and the threat of the Press Act in the background in persuading one of two of the most important nationalist papers to accept even editorial articles from me secretly

—secretly." "The articles were written in consonance with the general policy of the papers to convey in a subtle manner"—I repeat the words "in a subtle manner"—"the Government point of view or the view most favourable to the Government." It may be stated that editorial articles were supplied to nationalist papers not only to create public opinion against terrorism, but also to explain to the people important beneficent activities of the Government.

Then the Press Officer winds up by these words: "The revolutionary character of this method of work must be apparent. This was probably for the first time since the days of Lord Lytton's Viceroyalty that the nationalist press allowed itself"—it will, however, be said to the shame of the nationalist press—"to be used by Government on this scale and in this manner."

Now, Sir, if the Government desire to do publicity work, there are surely other ways and means of doing it. If the Government desire to take their stand on beneficent activities, surely it ought to be possible for the Ministers who constitute the Government to explain to the public through their speeches, through their articles, through their newspaper writings, through propaganda throughout the length and breadth of the province as to what their beneficent activities are. Sir, this one lakh of rupees I do say in all seriousness could not possibly be used up by paying four officers, the highest of whom will not get more than Rs. 1,000. It is obviously meant to pay papers secretly in order to purchase them. In fact, Sir, in the scheme published the word "purchase" has been used. If I may draw your attention to one portion of that scheme, it says, "the framers of the scheme therefore seem to think that to carry on the administration with popularity, there must be certain newspapers that should be purchased." Now, Sir, I would say to this House that a subsidised press means a muzzled press, a subsidised press means a press speaking with its tongue in its cheek; a subsidised press means a press which is willing to lend itself to prostitution.

I will now, before resuming my seat, draw the attention of the House to certain important, I may say serious, facts showing the degeneration that came upon certain editors of this so-called nationalist press after the Press Officer began his activities. The House remembers that I said those activities began in the year 1932, and we find that in the year 1933 and I take full responsibility for the statement I am going to make on the 5th of July 1933, Mr. Allen Elliott-Lockhart of Messrs. Gladstone Wylie & Co. of Fairlie Place, Calcutta, wrote a letter to Sir Edward Benthal of 25, Berkely Square, London, in the following terms. I shall read only the relevant extracts.—

"It is also significant that in the course of a very long and intimate conversation with Tushar Kanti Ghosh of Patrika (I have been seeing

quite a lot of him lately), he admitted the necessity of keeping the irreconcilables in detention for some time to come." Now, Sir, mark the words of the letter of Mr. Elliott Lockhart. I believe, Sir, he was speaking the truth and nothing but the truth. But the editor of a paper which day in and day out for the last six or seven years has been demanding the release of the so-called irreconcilables, goes quietly to Mr. Allan Elliott-Lockhart and sees him often and often, to use Mr. Elliott-Lockhart's words, "I have been seeing quite a lot of him lately", and he admitted the necessity of keeping the irreconcilables in detention for some time to come.

Sir, Mr. Allan Elliott-Lockhart is a respectable citizen of Calcutta; Sir Edward Benthall who is the leader of Europeans in Calcutta is another respectable citizen of this city; and if I have said one word about their letters which is not correct, it will be open to them to contradict me in the public press and I shall offer full and unqualified apology to them.

Then, Sir, the writer proceeds:

"He also said that by far the largest section of the Congress in Bengal were going to work the reforms even in their present form" mark you, Sir, the date of the letter, 5th of July 1933. "I pointed out that their continued agitation was only strengthening Churchill's hand and doing them no good" that is the agitation which had been going on for the release of political prisoners, the so-called irreconcilables. "He replied that the agitation was only kept up in order to keep Nripen Sircar and Sapru, etc., up to scratch, and that when the Bill came before Parliament, that is when all hopes of altering it to their advantage by agitation had gone, then the agitation would cease entirely.

Sir, this was the opinion of the editor of one of the leading papers of this city which had demanded public release of the so-called irreconcilables, which had demanded the rejection or at any rate a substantial modification of the proposed Government of India Act, and this is the conversation which he had in private. This is the effect of the nefarious activities of the Press Officer of the Government of Bengal, and other similar activities.

Now, Sir, to that letter Sir Edward Benthall wrote from 25, Berkely Square on the 18th July 1933.

"My dear Allan,

Your discussions with Tushar and your information on the present situation are most valuable, and I hope that you will be able to send me information from time to time, and copies of any interesting papers which you may be circulating."

Has this House now any doubt, after I have read the letters of Mr. Elliott-Lockhart and the letter in reply of Sir Edward Benthall, how demoralised the editors of so-called nationalist newspapers have become, because of these subsidies, because of this patronage, because of Government advertisements regarding which the Press Officer said he judiciously controlled them?

Sir, with these words I support the motion.

Maulvi ABDUL LATIF BISWAS: Sir, a discussion & heated discussion has been raised over this question by my friend Maulvi Abu Hossain Sarkar, and I find that additional strength has been given to it by the Leader of the Opposition. My friend Mr. Abu Hossain Sarkar said that this department is practically meant for propaganda on behalf of the Muslim League. I do not know and I cannot say whether this department is meant for that, but, Sir, taking all the circumstances into consideration if I admit for the moment that propaganda has been made on behalf of the Muslim League by this department, I do not find anything wrong in it. My friend Mr. Abu Hossain Sarkar is practically taking shelter under the shadow of the Congress and I ask my friend to look at the Congress provinces, and this I say because my friend and his leader the other day admitted the Leader of the Opposition as their leader. He cannot deny this fact. I ask my friend through you, Sir, to look at the Congress provinces. We find that the Congress Government is making propaganda on behalf of the Congress practically with Government money. Telephone and telegraph lines have been extended to places where there had been sittings of the Congress. Sir, is there any justification to say that Government money will be spent for erecting telephone and telegraph lines on behalf of the Congress? If my friend can justify it, then is it not justifiable that Muslim League propaganda will be made by this department? The Muslim League is an important part for the present Government. This Government is composed of the Praja Party and the Muslim League members. So, I do not find anything wrong in this department doing propaganda on behalf of the Muslim League, because propaganda on behalf of the Muslim League is propaganda on behalf of the Government.

The Leader of the Opposition has said that a scheme has been prepared to subsidise some nationalist press. I do not know whether it is so or not, but for the moment I admit that some papers have been subsidised. I again affirm that there is nothing wrong in it. The vitiating atmosphere which is prevalent in the country and which is solely due to the propaganda made on the platform and in the nationalist press demands that some other papers should give publicity of the Government activities in the country.

Sir, if we open a nationalist paper what do we find? We find that vilification and abuses are hurled on Government without any justification whatsoever, and the good activities of the Government, the social activities of the Government, the ameliorative measures of the Government do not find a place in the so-called nationalist paper. The Leader of the Opposition has said that subsidised papers can go so far as to lend their support to prostitution. May I ask, Sir, whether to vilify the Government and to criticise the Government in a very bad manner, in an unjustifiable way is not prostitution? If anybody gives impartial views and impartial opinions, he must admit without fear of any contradiction that prostitution is made by the so-called nationalist papers.

Now, Sir, I come to the point raised by my friend Mr. Abu Hossain Sarkar. He has said that the appointment of the Director of Public Information shows and indicates nepotism. I admit and I confess, Sir, that my friend has made a confusion of the meaning of the word "nepotism". He has said that the present Director of Public Information levelled nefarious criticism against the Hon'ble the Chief Minister while he was fighting the election as the Praja Party leader. I do not admit that. Nowhere has it been found that the present Director of Public Information did so. Sir, if I admit for the moment that he did so, then the charge of nepotism does not come at all. If the present Director of Public Information levelled unjustifiable criticism against him, there is every justification to say that there cannot be any nepotism by the Government or showing undue favour to this gentleman. Certainly, Sir, a man towards whom I am not favourably disposed cannot be treated well.

Dr. NALINAKSHA SANYAL: It is Dacca nepotism.

Maulvi ABDUL LATIF BISWAS: Sir, my friend says that it is Dacca nepotism. Dacca of course represents a prominent place in the present Government. The decision of the Cabinet is the decision of the whole country. I say with regret, Sir, that the officer, I mean the Director of Public Information, has been attacked in a very unjustifiable manner. It does not show that my friend has done justice to himself in criticising a gentleman behind his back and without giving him an opportunity to defend himself. My friend has said that the present Director of Public Information was a very junior officer in the Education Department, but my friend conveniently forgets that before he was appointed Director of Public Information he was doing the work of the Principal of a very good Government College.

Dr. NALINAKSHA SANYAL: Second grade Intermediate college.

Maulvi ABDUL LATIF BISWAS: He has shown his parts in the Education Department, and he has shown his capacities and capabilities which will justify his appointment as the Director of Public Information. Everywhere parts and capacities in an officer demand that the particular officer should get recognition by way of promotion. If a brilliant gentleman gets recognition, it cannot be said equitably and justly that injustice has been done to some other gentlemen. (Maulvi ABU HOSAIN SARKAR: Did he brief you?) (Babu SARENDRA NARAYAN CHAKRABARTY: Was he a student of that college?)

Now, Sir, again I say that I do not know whether the paper was subsidised or not. I can say boldly that even if the paper was subsidised in order to counteract the propaganda, the mischievous propaganda of abuse and vilification which is everyday being spread by the nationalist papers, the Government has got every justification to expect the support of everybody who has got justice and equity at heart.

Now, Sir, it is an admitted fact that every Government should have a department to give publicity to its good doings and every Government should have a department to give publicity to the works which were done and to give publicity to all the ameliorative measures which the present Government has adopted. With a view to this, the Government has appointed a Director of Public Information and it has started a separate department in order to go on with the work with efficiency. For that reason, Sir, I hope everybody in this House having an impartial outlook should support the original demand without any hesitation.

With these few words, Sir, I oppose the cut motion.

Maulvi ABDUL BARI: Mr. Speaker, Sir, I will speak just a few words. I will begin with the sentence with which my friend Mr. Sarat Chandra Bose concluded, namely, that the nationalist press has been demoralized owing to the grant of subsidy by Government. I do not know what Mr. Sarat Chandra Bose means by the nationalist press. (Dr. NALINAKSHA SANYAL: He has not said that.) Should we accept the vocabulary meaning of the word "Nationalist Press" or should we accept it as a definition out of the creation of his own brain. I do not know it by nationalist press my friend Mr. Sarat Chandra Bose means the press which only gives publicity to false information. If by nationalist press Mr. Sarat Chandra Bose wants to say that—

Mr. JOGESH CHANDRA GUPTA: Sir, I think it is usual to address Mr. Sarat Chandra Bose as the Leader of the Opposition instead of addressing him by name.

The Hon'ble Mr. H. S. SUHRAWARDY: No, no. He is not yet a demi-god, although he may be a brother of a demi-god.

Maulvi ABDUL BARI: Sir, I do not know whether by nationalist press Mr. Sarat Chandra Bose, or the Leader of the Opposition, means the press which supports the Congress propaganda, or if by nationalist press he means only the press which breathes vituperation and vilification against the present Government. If by nationalist press Mr. Sarat Chandra Bose means only the press which wants to make the Muslim League go down on their knees, if by nationalist press he means the press which does not hesitate even for a moment to spread all sorts of lies in order to bring the present Government into disrepute and discredit, if by nationalist press he means the press which does not hesitate to ventilate communal feelings through its columns day in and day out, if by nationalist press Mr. Bose means only the press which wants to say something always against the scheduled castes and the Muslims, if by nationalist press he means a press which does not feel any hesitation in making comments and spreading news which has the effect of spreading communalism throughout the length and breadth of the entire province. I do not know if that is the meaning of a nationalist press according to Mr. Sarat Chandra Bose. But according to us a real nationalist press, whatever their views and comments may be, should publish true news and make their comments thereon. I know of a nationalist press to which the report of the Muslim League had been sent but as it was the report of the Muslim League which represents the Muslim and scheduled castes interest and as it was a report against the interests of some individual party, it did not publish the report. Is it fair nationalism — —

(Interruptions from the Opposition Benches.)

Mr. SPEAKER: I think there is a limit to interruptions.

Maulvi ABDUL BARI: This is what the honourable Leader of the Opposition means by nationalist press. Now, Sir, I will leave him at that.

Let me now see what my friend on the opposite side means by wanting to reduce the demand by Rs. 99,999. Anybody who has got a grain of commonsense in his brain knows very well that there is absolute necessity for publicity. It has been recognised throughout the entire civilised world that every organisation, every Government, every party has got to be backed up by publicity and it is by publicity alone that the whole of Europe to-day is so prominent. It is for want of proper publicity in foreign countries that the cause of India has been neglected. It is for want of publicity that the beneficial measures that have been introduced by the present Government have not reached

the remotest parts of the province. Therefore it is necessary that a Publicity Department should be started; this department ought to have been started earlier. It was a folly on the part of the present Government not to have started this department much earlier. If that had been done, all the voices from the Opposition would have been nipped in the bud. If the Publicity Department had been started earlier, then by means of this department Government could have informed the people of even the remotest villages what Government have done for them, namely, the enactment of the Bengal Tenancy Act and other measures, and perhaps those gentlemen sitting on the opposite side would not have dared to raise their voice against the present Government; if Government had taken early measures to have this Publicity Department, perhaps the voice of the Opposition would have been stilled in silence. But the present Government had not the imagination to start this department earlier. To-day they have realised their folly and have come up with the proposal for the Publicity Department. I have on many occasions told the Hon'ble Ministers of the Cabinet what folly they committed in not starting the Publicity Department earlier.

The Publicity Department is a necessity, because it is a drive against illiteracy, because through publication you can help the people in promoting public health; for example, if cholera breaks out in a particular place, Government can, by cheap publicity and by leaflets and pamphlets, inform the people how they can prevent themselves from being infected. It is not possible for doctors to go and advise each and every individual in a village. Therefore, the necessity of the Publicity Department cannot be over-estimated.

So far as the allegation of a certain paper being subsidized is concerned, I want to say this that what is good for one can be said to be equally good for others. Is it wise, is it prudent and is it sufficiently intelligent to subsidise or subscribe a certain paper, because they support the views which you want to express? Can the present Government be accused if they do really subsidise a paper? Every civilised Government have done it and it will be no crime on the part of the present Government if they subsidise certain papers. Does not the Calcutta Corporation subsidise newspapers? Does subsidy mean simply giving of money? Subsidy also means helping papers by giving them advertisements or helping editors of newspapers in criminal cases without taking any fees. I think Mr. Sarat Chandra Bose and Mr. Santosh Kumar Basu will bear me out when I say that only the other day the editor of the *Hindusthan Standard* was helped by certain eminent counsels and advocates who are also members of this House, without taking any fees. Is that not a sort of subsidy? Can Government be accused if Government subsidise certain papers, whether it be the *Star of India* or the *Amrita Bazar Patrika* in some form or other?

We, on this side of the House, certainly do support the Government for this subsidy and we would expect of them to openly declare that they do subsidise certain papers, because this is an absolute necessity.

Regarding the allegations of my friends, Mr. Abdul Hakeem and Mr. Abu Hossain Sarkar, as to whether with this money there would be any propaganda on behalf of the Muslim League, I may tell my friends sitting opposite that the Muslim League does not require any help from Government. It is a political organisation, it is a people's organisation and it has come forward with men and money. Any help from Government will be kicked out by the Muslim League. It does not stand in any need of help from Government. Mr. Abu Hossain Sarkar will be washed away in front of the popular and public Muslim opinion that has gained ground and strength.

Therefore it is no use casting cheap gibes at the Muslim League, because some of the members have sold their birth right, because some of the members have sold their conscience, because some of the members have sold their all at the feet of a certain organization, that does not mean that the Muslim League must be sacrificed at the altar of those who want to sacrifice it in their own self-interest. Therefore, I want to remind them that if you really want to criticize, do criticize in a reasonable manner. Of course we know that the Opposition is always unreasonable and therefore we treat with contempt and slight all utterances that come from the Opposition.

Dr. NALINAKSHA SANYAL: I rise on a point of order, Sir. Is the honourable member entitled to say that he treats the remarks of the Opposition speakers with contempt?

Mr. SPEAKER: You see he has not referred to any member. "Opposition" does not mean any particular speaker.

Dr. NALINAKSHA SANYAL: He has referred to Opposition speakers, Sir.

Mr. SPEAKER: I do not think so. Treating the words of the Opposition with contempt is a well-approved parliamentary expression. Therefore, I am afraid, I cannot rule it out, however bad the word may be.

Maulvi ABDUL BARI: I will conclude now with one more observation regarding the personal attack, the most discourteous personal attack that has been made on the Director of Public Information. Of course I do not know, if there is anything personal against the particular officer in the mind of the mover of the motion. It came out not

from a member of the Congress, not from any member on the other side who does not belong to the same religion as the Director of Public Information comes from, but from a member of the Opposition who belongs to his own community, religion and caste. I do not know, Sir, if there was anything personal in this reference and I believe there was not. Had they had any occasion to judge of the ability and merits of the particular officer who has been appointed as the Director of Public Information? Has the Minister in charge or any of the other Ministers any relationship, and interest in this particular gentleman whom they have appointed? Can any of the members point out that this particular gentleman has got the least affinity to any one amongst the Ministers? Then, why should they presume that their choice has not been a fair one, but has been an act of nepotism on the part of the Ministers? I can tell the members on this side for their information, because they are wanting in information that this gentleman, who has been appointed, is a first class first in English and a gentleman whose services were very much appreciated by the students and professors of the college in which he was posted. It is not for the first time that he has been promoted, but he has been promoted gradually from professorship to the principalship of a college.

Maulvi ABU HOSSAIN SARKAR: Yes, principalship of a second grade college.

Maulvi ABDUL BARI: Yes, may be of a second grade college, but that does not show that he is incompetent. After 13 years of service he was promoted to this post. For the information of the Opposition, I can tell them that the principalship of the Dacca Intermediate College has always been held by an Indian Educational Service officer. Even before the present Ministry came into power he was selected for the principalship, because he was thought and considered to be the best professor who was available to hold charge of the principalship of the college. Sir, it is always said by the Opposition that efficiency should be the standard in the selection of an officer. Now, Sir, if this gentleman has put in 12 or 13 years of service, why should it be said that, because he is young, therefore he should not be appointed? The post has been given to him only because he is efficient, and it does not matter at all if his age is 38 or 39.

Mr. SIBNATH BANERJEE: On a point of information, Sir. May I know what is the time that has been allowed to Mr. Bari, because I myself want to speak also?

Mr. SPEAKER: 15 minutes.

Maulvi ABDUL BARI: If the Opposition do not know let them learn it from me that English History affords sufficient instances of people who have administered a country like England at the age of 32 or 33.

Mr. SPEAKER: I now adjourn the House for 15 minutes for prayer.

(The House was then adjourned for 15 minutes for prayer.)

(After adjournment.)

Mr. SIBNATH BANERJEE: Sir, I have it on the authority of the Hon'ble Khwaja Sir Nazimuddin that the Ministry is feeling the necessity for propaganda and publicity. (The Hon'ble Mr. H. S. SUHRAWARDY: Just like the United Provinces.) We sympathise with the Hon'ble Mr. Suhrawardy, but it seems that the greatest tribute that can be given has been given to the Congress by him. I think no better tribute can be given to Congress Ministers than what has been done by Mr. Suhrawardy.

Now, to return to the point, it is no news to us, because we have already been seeing the rate at which the Government are losing the support in this House and it is an absolute necessity to carry on publicity and propaganda, so that they may at least hope to stay on for a few days more. If they had carried out some really substantial benefit to the peasantry or to the workers, there would have been no such necessity for propaganda. For instance, if they could reduce the land rent by 50 per cent., or 25 per cent., or even 10 per cent., if they had liquidated indebtedness by one-half, one-fourth or even one-eighth, or reduced unemployment or arranged unemployment relief or had fixed the minimum pay at Rs. 30, or Rs. 20 or even Rs. 15 as the Congress provinces have done. (The Hon'ble Mr. H. S. SUHRAWARDY: Have they?) Yes, they have done. You can take it from me, that in Cawnpore, Bombay and Nagpur they have fixed at Rs. 15 in textile industry.

The Hon'ble Mr. H. S. SUHRAWARDY: In one factory at Cawnpore only.

Mr. SIBNATH BANERJEE: Why not do it here in the jute industry? If the Government had passed legislation for provision in old age or things like that, there would have been no need for propaganda or publicity. The idea seems to be that our Chief Minister who has been promising *dal bhat*, being unable to do so, is trying to feed us with propaganda and publicity. But I may frankly say that the Ministers are acting under a great misapprehension, because an ounce of work is much weightier than a ton of words; whatever might be the

quality or the quantity of the propaganda work, the public is not going to be bamboozled for a long time.

Now, I want to ask definitely, is there any difficulty about the publicity and propaganda work? I should think, no, because in this House the Ministers can define their policy and can explain their policy, as in this House they have got the monopoly of the forum, and the proceedings are widely circulated in all the newspapers whose circulation is to be counted by millions. Then, outside the Assembly, the Ministers are vying with each other in making statements and speeches, and there also they get all the publicity they want. For instance, the speech that was made by the Hon'ble Mr. Nalini Ranjan Sarker and published this morning seems to act as a solace to his own soul, because in spite of the abuses against the Congress which he has himself organised, I mean his party has organised and financed—he is now coming out to defend the Congress as if the Congress is not being defamed. It is a very curious piece of logic that was given this morning. So I find there is no difficulty about the publicity. But what is the difficulty with Government? The difficulty is, that this Government do not want that the other side should speak, that they should criticise—that is the whole point. Already we know that the *Basumati*, the *Ananda Bazar Patrika* and the *Hindusthan Standard* have had to come under the Axe, and there have been consistent efforts to suppress their voice. I can speak of only a small paper with which I am connected—the weekly *Mazdur*. About this paper, in the last session I had the assurance from the Hon'ble Khwaja Sir Nazimuddin that the ban on this paper would be lifted, but only a week back I learnt that this could not be done. This is the state of affairs. I can mention a dozen of Labour papers, all of which have been suppressed. The position is that Government does not require publicity, it wants to stop criticism. The one way of doing it is by suppressing newspapers. Even by suppression they are not achieving their object. Therefore, the other method is being employed as has been very well explained by the Leader of the Opposition by bribing newspapers and by purchasing them.

Now, I want to say a few words about the Director of Public Information. From the very sample that we have got we can take it that for the sort of stuff that has been given to us for our information or edification, I cannot compliment the officer that has been appointed for his first performance. Of course he is not much to be blamed, because I think our old friend the Labour Minister is to be blamed for most of the things I find here. For instance, I shall give you some cases, viz., about the relief of the unemployed. This House knows that absolutely nothing has been done for relieving unemployment. What has been done is that the provincial question has been raised and that some Biharees and Oriyas have been debarred from service, but really

no new avenues of services have been found out and, what is most important, no attempt has been made to give any allowance to the unemployed. The fundamental demand that we on behalf of Labour and the public make, is that we have a right to ask that the State must give us work or maintain us. Towards this absolutely nothing has been done. But the whole article has been written saying that they must do this, that and all sort of things. Let me take another instance —the Labour Minister has been interrupting me saying that the Congress Provinces have done nothing. I can tell him that in the Congress Provinces the Factories Act has been extended. In factories where there are 10 workers they get the benefits under the Factories Act, especially in Bombay and in the United Provinces. But here nothing has been done, although this article has been published with broad headline—"Extension of the Factories Act". That is the sort of stuff that we can expect from the Director of Public Information, and perhaps worse. Because this being his first sample of work, one could have expected it to be his best. But it this his best endeavour is full of—I cannot say, lies—inaccurate and misleading statements, I think the earlier this department is abolished and the services of this gentleman are dispensed with, the better for all concerned.

Now, Sir, I want to say a few words more on the new method of publicity and propaganda that the Ministers have found out. This is not new method to us, because we are very much familiar with that method. I mean the method of addressing public meetings and arranging demonstrations. I on behalf of Labour congratulate the Ministers and especially the Labour Minister for the demonstrations that have been organised during the last few days. It is true that they have been supporting this Ministry. But at the same time we know that the Ministers are feeling the necessity of organising them and the workers are feeling the necessity for coming out in the streets in their tens and thousands and we also know that behind the cry of "Fazlul Huq Zindabad" there is also the demand for *dal bhat*. And the earlier the Chief Minister realises this, the better.

As I have said, I congratulate the organisers of these demonstrations, because we know that among those who came out the Nawabs were not there, the Maharajas were not there, and the zamindars were not there, nor the millowners were there. The proletariats and the have-nots were there and whenever they come out in the streets, you know very well that they are going to demand *dal bhat* which has been so often promised by the Chief Minister, and the day of reckoning will soon be coming. The Ministers are thinking that they are escaping defeat but on the other hand I may assure them that out of the frying pan, they are jumping in their tear into the fire itself. I want to say one word to the European mill owners who had helped the demonstrators or the organisers of the demonstration by closing their mills—

Mr. SPEAKER: I am afraid, Mr. Banerjee, this is out of order. You have been all right so long.

Mr. SIBNATH BANERJEE: All right, Sir. The mills were closed —I do not blame the Europeans alone. There will be many an occasion for us to call out the workers in support of the political demands. So far we had not done it. We shall accept this precedent and act upon it, and this is a fair warning to those concerned. I do not know who has done it, because the Labour Minister says that he has not done, but somebody did it, and it is no use exchanging words with the Hon'ble the Minister for Labour. But this method that has been utilised a few days ago, we on behalf of labour and on behalf of the opposition propose to adopt on many an occasion to come, and I only sound a note of warning to all concerned that the method they have utilised has formed a precedent. I congratulate them for doing it, because we should have done it, but instead others have done it. All the same, this is the method in which we believe, because we know in this packed House, with constituencies of watertight compartments we cannot expect justice. Real justice, we think and we are convinced, we shall not get in this House, because many of the people who demonstrated the other day have not votes; they have no say in the matter as to who should be sent to this House, but it is in the wider atmosphere of the Maidan that justice will come. We are absolutely convinced of it, and we again congratulate those who have brought out the workers and the public for such use, and we are convinced that it is in the freer and fresher atmosphere of the Maidan rather than in this stuffy chamber that political problems will be decided and vital issues settled.

Mr. DEBI PROSAD KHAITAN: Mr. Speaker, Sir, I intend to support the motion that has been moved for the reduction of this grant, as I consider that this question has been tackled by the Ministry from the beginning up to now in a most unconstitutional manner. I shall not dilate upon the qualifications of the gentleman who has been appointed the Director of Public Information. Sir, I have not even seen him before to-day. From what I have seen of him to-day, I consider that he is rather a Director of Public Instigation than a Director of Public Information. He seems to have started in a most unparliamentary manner ignoring all etiquette and privileges of the House. I saw him repeatedly whispering from the gallery to several members of this House. Although I do not know what he was talking about, I am sure that he was instigating them into certain lines of thought relating to the subject-matter of discussion inside this House. Sir, if he is the person who has to carry out the duties of a Director of Public Information, I would suggest to the Ministers that they would sooner dismiss him from that post rather than continue to help in unparliamentary methods that he has adopted openly in the House this

evening. (VOICES FROM THE COALITION BENCHES: "Terrible logic"!) Sir, it may be terrible logic to the Ministers and the Ministerial party, but it is logic that appeals to all men of intelligence and good sense and responsibility.

Sir, the next point I would deal with is the method of appointment. In the Government of India Act there is a clause that all superior appointments will be made through the Public Service Commission, and therein lay the safeguard to the people at large that men will be appointed on merit, efficiency and impartiality rather than on the party system, that men would not be appointed on the ground of their attaching themselves to certain party labels or that they would carry out the behests of a particular political party, be it the party that is opposed to me or be it the party that supports my actions. But surely it was expected that if appointments were made through the Public Service Commission we would get in the permanent cadre of the services men who would be impartial in rendering their services to the public. Sir, the very reverse of that has been followed in this case. I do not know if every member of this House is aware of the fact that the case of this particular officer never went before the Public Services Commission, and he has been appointed by whom I know not, but by somebody without consulting the Public Service Commission. Sir, if 25 per cent of the qualifications that have been described to this House as being inherent or latent or patent in this gentleman be true, why are either the Ministers or the Ministerial party or the particular gentleman afraid of appearing before the Public Service Commission through whom he could get an appointment, perhaps to this very post without any charge of nepotism or partiality or any other irregular behaviour on the part of the Government being launched. Sir, if this kind of appointment is to be supported by this House, I am sure we shall be launching ourselves upon such troubled waters in the future that we shall know not where we stand.

Sir, the third ground upon which I would like to oppose the passing of this grant is that the way in which this demand has been put forward before us is not the way in which demands for grants amounting to one lakh of rupees should be put forward. No details have been given to us, either about the heads of expenditure, as regards the manner in which the amount will be spent, or even about the kind of information which is to be disseminated among the public. We are not told what staff will be employed; we are not told on what salaries the Director or the three Assistant Directors will be employed; we are not told what their duties will be, we are not told from where they are going to get information which is to be broadcast to the public. We are not told about the methods by which the information will be spread. Sir, if I am to gather from to-day's discussion any clue about the method by which information is to be conveyed to the public, it is

that it will be done by means of subsidising the newspapers. The Hon'ble the Chief Minister has frankly told this House that through this grant he will help the newspapers which are his enemies. Sir, I am the last person to believe a statement of that character, but we have got one thing at least that this money is to be spent in giving assistance to certain newspapers. Sir, is that the method by which a Government is to carry on the Department of Public Information, especially, Sir, when there is already a publicity department existing in the Government. We have already voted a grant for that publicity department. Is that Publicity Department efficient or not? If it is not efficient why is not that department being disbanded? And the present gentleman who is appointed Director of Public Information, why is he not appointed in charge of the existing department without adding to the expenditure of the public revenue? Sir, no argument has been put forward as regards that, but it is simply stated that a separate Publicity Department is necessary, and for that purpose this House is asked that one lakh of rupees should be voted.

Now, Sir, let us further analyse as to what it is and what are the points about which Government want to disseminate information to the public. I have rubbed my eyes to find out the achievements of Government about which they would like to convey information to the public. The two most important departments for constructive purposes are Agriculture and Industries. I have often asked the Hon'ble Nawab of Dacca in charge of these most important departments as to what he has done or what he proposes to do for the purpose of increasing the income of the public at large. Sir, whatever, we have got, either in the budget speeches or elsewhere and in all the reports that Publicity Officer of the Government has so far sent to the Press, there is an absolute void as regards the past or the prospective achievements of the departments of Agriculture and Industries. As regards the Excise Department, Sir, a good deal of propaganda can be carried on in favour of prohibition, but what is it that we have found the Government doing as regards prohibition? It is quite true that the Hon'ble the Chief Minister has solemnly declared in this House more than once that prohibition is the policy that he wants to adopt, but the very reverse has been actually seen by the people. The least that could be expected of Government was that where shops did not exist they would not grant new licences for the opening of shops or in any event if the people of the locality objected to the opening of the shops they would not try to thrust a new shop in that locality the public of which was opposed to it. But, Sir, what has actually happened that in spite of the attention of the Hon'ble Minister in the department of Excise being drawn to it, in spite of the fact that the attention of the Excise Commissioner has been drawn to it, new liquour shops are attempted to be forced upon the public in spite of the objection of the women and children and in spite of the objections of the people of the

locality. And, Sir, it is in this manner that the policy of prohibition is intended to be pursued by the present Government! Sir, how is it that we are going to take anything on trust that comes from the present Government? (Cries of "hear", "hear" from the Congress benches). They have certainly forfeited our trust and confidence, and much as they may dislike me to-day I say it is their own conduct and behaviour that have forced the erstwhile sincere and genuine friends to go in favour of the no-confidence motions when they were brought against them. (THE HON'BLE MR. H. S. SUHRAWARDY: Within the last seven days?) Yes. They may dislike people for doing that. They may do their utmost against persons for having voted against them. Only recently, as regards the Committee of Agriculture that was appointed, for no other reason than that two members of that Committee voted in favour of the no-confidence motion an Extraordinary Gazette has been published taking their names out of the list and substituting two new names instead (Cries of "shame, shame" from the Opposition benches). If this be the pattern on which information is to be disseminated to the public, if this be the manner in which the ministry is going to conduct itself, surely it will lose the confidence of its supporters. During the course of the last budget debate I pointed out to the Hon'ble the Chief Minister that their strength should depend not on the number of votes they commanded, but on the amount of good and constructive work they did for the amelioration of the condition of the poor masses. It is upon that that their strength should depend, but all that we have heard from him is that they have not been allowed time and opportunity to do anything useful. If they had not the time and opportunity to do anything useful, I submit, Sir, that there is no information at their disposal to convey to the public at large. And, Sir, if that be so, there is no reason why we should allow them to fritter away one lakh of rupees which could be more usefully spent for the purpose of spreading education primary, secondary or higher, for the purpose of developing industry and agriculture, for the purpose of taking steps in the direction of public health, nutrition, etc., and for the purpose of curing and preventing diseases instead of wasting valuable money in this manner.

Sir, in these circumstances I have no alternative but to support the motion for the reduction of the grant (Cheers from the Opposition benches).

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I did not want to intervene in this debate, but I feel that the cut motion, which we are discussing, is rather unconventional. A reduction of a hundred rupees has come to be the accepted normal form, but here Rs. 99,999 out of a total of Rs. 100,000, are to be reduced from the grant and the Minister is going to be asked to carry on this department with one

rupee only. That, Sir, is not usual. I was surprised to see that the honourable the Leader of the Opposition also gave his support to it, although in certain parts of his speech I could just discern the necessity of some sort of publicity. Now, if publicity has to be done surely, it requires more than one rupee (Dr. NALINAKSHA SANYAL: Study the original budget).

Mr. SPEAKER: Dr. Sanyal, I am afraid your interruptions have come to a point where unless some step is taken it will be difficult for me to carry on my duty as Speaker. You have been interrupting every member and it is probably the hundredth time now. I have appealed to the Leader of the Opposition and I have appealed to your good-self, but I am afraid everything has gone in vain. So, unless you desist from making any further interruption, it will be my painful duty to take steps.

Mr. ABDUR RAHMAN SIDDIQI: Sir, in the discussion to-day I see a huge crack in the citadel of vilification. Therein lies our hope and there the chances of safety and peace.

عدو شود سبب خیر اگر خدا خواهد * گرفته که خیر ما در آن باشد

The enemy raises the storm of mischief and therein lies our safety. The speech of the honourable the Leader of the Opposition and the poison he has vomitted forth against one of the old gang was perhaps the most interesting and attractive aspect of the discussion. They have had their say for three days continuously on the Cabinet as a whole. They have had their say about the misdeeds of individual Ministers. But it was really interesting to note that the remark of the Hon'ble the Chief Minister about local newspapers whom he once characterised as the "reptile press" has received such powerful support from unexpected quarters. I was astounded at the remarks that were made regarding the question of publicity. The honourable member for Howrah Registered Factories paid us unsought and unasked compliments on the processions and the organisation of the demonstration on Monday last.

جادو وہ جو سر پر چڑھ کر بولے *

That magic alone counts which declares itself from the top of the bewitched brain.

I am glad the importance and the significance of the demonstration have been acknowledged so generously. Having presided over that demonstration I accept the compliments with thanks.

(Cries from the Opposition Benches: "Ghazi".) No, Sir, I cannot rise to that exalted and high position, but if a Muslim can become a

Ghazi or in the alternative a Shaheed. I do not think he can get or there can be a higher or greater honour for him. I do not deserve it. It is only the love and affection of my brother Muslims that have raised me to this high position. I expect the critics understand the meanings of words "Ghazi" and "Mujahid". If they do, they will realise that any Muslim—if he is a true Muslim—should be proud of the compliments even if he do not deserve them.

Coming to the actual subject matter of the discussion, I think that the ordinarily accepted rules of debate in a house of legislature should have told our friends that a Government officer, who cannot come and defend himself here, should not be attacked in the manner in which they have attacked him. It is not done among men who claim to carry on discussion political or otherwise on a higher standard and in accordance with the rules of the game. Even remarks passed across the barrier which the honourable member from the Indian Chamber of Commerce, without knowing what was being said, had the hardihood to characterise as improper, innocent remarks, sometimes jovial remarks.

Mr. DEBI PRASAD KHAITAN: On a point of order, Sir. May I enquire whether the Director of Public Information was strictly in order in speaking from the gallery to members on the floor of this House, whatever the subject matter of the conversation may be.

Mr. SPEAKER: It is not permissible in any Parliament for anybody in the gallery to speak to a member in the House.

Mr. ABDUR RAHMAN SIDDIQI: Had I known this rule, Sir, I would not have talked a few jokes with the occupants of the gallery, but I have seen gentlemen on this side of the House—Hon'ble Ministers included—passing slips and walking up to gentlemen in the gallery and so I felt justified in believing that the practice was allowed. I apologise to the House if I have done anything wrong. I am now becoming an expert in apologies (laughter). I apologise if I have broken a rule of the House. But as this matter of my talk has been referred to, I categorically deny that there was any instigation or that any information which had anything to do with the debate before us was passed to me.

Coming to the other aspect of the question, that is, publicity, I hope, my friends opposite will realise that even to the biggest demonstration, for which we have received compliments to-day, no daily papers—I do not want to name them—who call themselves nationalists—were good enough to send their reporters ("Question, question"). The biggest demonstration in the history of Bengal was unworthy of their attention. We have also noticed that the people who are supporting the present Government and even the Government itself do not get the fair

amount of publicity which every newspaper ought to give to them. These papers have made it their religion to vilify even the most innocent acts of the present Government. It may come as a surprise to the honourable the Leader of the Opposition that editors of the so-called nationalist papers after sending congratulations to the Hon'ble Ministers on the evening of the defeat of the no-confidence motion, came out, the next morning with huge headliness condemning the Ministry and when asked about this, they said, "Our hearts are with you, but if we do not condemn our papers will not sell."

Mr. SANTOSH KUMAR BASU: Shame on the editors. Who are these editors?

Mr. ABDUR RAHMAN SIDDIQI: I need not name any particular editor. I will not do it.

Mr. SARAT CHANDRA BOSE: Please name the editors.

Mr. ABDUR RAHMAN SIDDIQI: The honourable the Leader of the Opposition has depended on an extract from some newspaper which he too did not name. Unless and until there is an official communiqué, unless and until the Government's motives are actually published, I doubt if even the Leader of the Opposition would be justified in attributing motives in giving the dog a bad name and then kicking it. It is not fair. Again, I say, even in the bitterest controversy, a gentleman in the position of the honourable the Leader of the Opposition, should not go to such lengths unless and until he can stand up and tell us that this is the actual intention of the Government. I do not think he was justified in making use of a newspaper article or a newspaper statement which may be considered as no more than garbled, as a mere rumour heard and written down in a newspaper just to vilify the Government. Sir, every article published against the Government, if contradicted, will require not one but perhaps ten lakhs of rupees particularly when day in and day out venom is poured out in such huge quantities, even an angel would under these conditions lose his patience and temper.

Publicity is the very life of politics.

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The possessor of the secret within the house lays low Lanka (Ceylon). We know something of the methods of publicity adopted by the masters of the party opposite. The greatest propagandist in India is Mahatma Gandhi. When "Young India" ceased to be published, he had to start the "Harijan". Every party, every political organisation must have publicity. To expose the newspaper to which the honourable the Leader of the Opposition referred—he did not name it, he named

the owner or the editor of it and with which he has fallen foul to-day, he had to go back to 1923 or perhaps 1932 to find instances to establish his charges! Every stick should not be good enough to beat the Editor with. Come out with some recent criticism. Subsidies have been hinted at and insinuations have been made suggesting as if a goodly portion of the supplementary grant will go into the pockets of the friends of Government. There is not a tittle or shadow of truth about it. It does not lie in the mouth of Congressmen to refer to subsidies when one hears of all sorts of subsidies to men and journals to further the objects of Muslim mass contact. If you follow such methods, it may be that similar methods may have to be adopted by others and our public life would then go to pieces. After the appeal which the Leader of the House had made and the manner in which we saw the Leader of the House and the Leader of the Opposition chatting together on the same bench, I was led to imagine that perhaps after the battle royal on the no-confidence motions the Generals had shaken hands and signed the peace. It now seems that on the pretence of this publicity stunt, they have again brought forward a no-confidence motion and speeches are being made to vilify the whole Government once more. One may believe that one lakh is perhaps too much while another member may hold that three lakhs are necessary. That would be a matter of a simple difference of opinion. Relevancy, however, has not been the strong point of the criticism made to-night. For the reasons I have given, I hold, Sir, that this Supplementary Demand of one rupee by making a cut of 99,999 in 1,00,000 made by the proposer and supported by the honourable the Leader of the Opposition with such erudition and documentary eloquence seems to me to be absolutely and positively ridiculous, the biggest joke perpetrated on this House.

Interruptions in the House.

Dr. NALINAKSHA SANYAL: May I rise on a point of personal explanation, Sir, and I rely on Rule 11 of the Rules and Standing Orders of this House in this connection. Sir, I have listened to your admonitions on several occasions with regard to interruptions and I have always submitted to them as you are in a favoured position and as your rulings must be obeyed. On the last occasion when you asked the Leader of my party to see that I did not interrupt the Hon'ble the Chief Minister, I thought that it was for a specific occasion, namely, the occasion of the no-confidence motions in the Ministers. On a previous occasion also you directed the members of our party to keep quite as far as possible when the Leader of the House spoke. I did not understand that you wanted to extend that observation so far as every member of the other side was concerned. I find that members on the other side did remain free to interrupt any of our speakers

including even the Leader of the Opposition himself. If, Sir, as has just now been demonstrated that is the position, I would like you to give a definite ruling and direction to me if I shall have the ordinary privilege of every member of a legislature to speak, to interrupt, and to try to elicit information and further information through such interruptions. If all these privileges are not permitted to me, I would choose my own course of action so far as this legislature is concerned. But I would like to have your ruling and direction in this matter.

Mr. SPEAKER: First of all, I must say, Dr Sanyal, that this is not a point of personal explanation. If, however, you want a direction from me, I may say at once that it is quite permissible and quite Parliamentary, as I have repeatedly observed, that at times and on occasions interruptions do greatly help the proceedings. But it is my most painful duty to draw your attention to the fact that the number of occasions on which you have interrupted the business of this House is more than what would be normally tolerated by any Parliament in this world, and I am prepared to stand absolutely condemned if anybody can say, either in this House or outside it, that the number of interruptions for which you have been responsible is not so much that it has sometimes made it impossible for me to control the proceedings of this House, and I have accordingly had to appeal to Mr Sarat Chandra Bose, the Leader of your party, to help me. As I have said, however, I do feel that there are occasions when interruptions are useful but not on every occasion or at every time. Besides, there are other members on your side of the House, and it is not desirable that you alone should rise up to interrupt on every occasion. When there is a calm atmosphere, interruptions, I may repeat again, are sometimes helpful, as it sometimes creates a little humour in all of us, but there are no doubt times when interruptions positively hinder the business of the House. Then again, you must know very well that interruptions are not permitted unless the speaker gives way and yields, and when the speaker does not give way it becomes my duty to intervene.

As regards Rule 11, on which you rely in your point of personal explanation, I do not think that this rule gives you any warrant for interrupting the proceedings of this House. Moreover, I feel that on the present occasion you interrupted in such a way as to interrupt the proceedings of this Assembly.

As regards the cases of interruptions from this side or that side, I noticed that at least to-day while Mr Abdul Bari was speaking his speech was drowned every second and every minute by interjections from the Left. I am sorry to notice that, but I did not stop even those interjections. For the present I need not say anything more. But I may observe that in future I would not shut out interruptions for all times, except when interruptions become too frequent for the normal business of this House to be carried on.

Mr. SARAT CHANDRA BOSE: Having regard to the reference that you made to me, Sir, in the course of your ruling, may I say that I feel that I owe it to myself and to Dr. Sanyal to say that, in my humble opinion, his interjection on the present occasion at least was justified according to all Parliamentary conventions. I do not know—

Mr. SPEAKER: Order, order. I cannot allow my ruling to be discussed on the floor of the House. It is my decision that Dr. Sanyal's interruption was not Parliamentary and I therefore stopped him. And I cannot allow any discussion on this point.

Mr. SARAT CHANDRA BOSE: Is it permissible for me, Mr. Speaker, to remind you of what Dr. Sanyal said on the present occasion?

Mr. SPEAKER: No. I remember them perfectly well.

The Hon'ble Mr. A. K. FAZLUL HUQ: I shall try to be very brief, but I want to explain to the House the Government position regarding the demand now before the House. Sir, in the course of the speeches I have been charged with the unpardonable crime of not being sufficiently revengeful on my enemies. I plead guilty to the charge, and I hope that in all affairs in my life, whether public or private, I shall know how to be forgiving to those who may be opposed to me, how to act on the principle of allowing things to be forgotten after the heat and dust of the controversy is over and to allow the supreme necessities of public life to override all personal considerations. I admit that the gentleman who has been selected to be the Director of Public Instruction (Mr. SANTOSH KUMAR BASU: Public Information and not Public Instruction). Yes, Public Information, for I am more concerned with Instruction than with Information (Mr. SANTOSH KUMAR BASU: It would have been better if the reverse were the case). This gentleman who has been selected used to take some part directly or indirectly against me during the election campaign, and I felt his activities keenly. And if I were to have allowed my personal feelings to have their way in the matter I might have opposed the appointment of this gentleman to this responsible post. But, Sir, I honestly believe and I may tell the House in so many words that although he may have been opposed to me, I have learnt in the course of political animosities the real worth of the man as a writer and a speaker, and I thought that the interest of the public service would be best served by his appointment and I therefore did not oppose the appointment. (Cries of 'hear, hear' from the Congress Benches.)

Now, Sir, a good deal of misconception has arisen on account of ignorance that prevails to my left, as regards the rules of appointment to public services and the control that is exercised by the Public Service

Commission over public appointments. The gentleman who has been selected is a member of the Indian Educational Service—there is no Indian Educational Service now—it is now called the Bengal Senior Educational Service Grade I—and he was serving as Principal of the Dacca Intermediate College. He was drawing a salary of Rs. 550 per month and he also used to earn an extra sum of Rs. 50 to Rs. 60 per month on an average as an Examiner of the Dacca University. He had the privilege of having a free house, and all these calculated, came up roughly to about Rs. 750 per month as his pay and emoluments. When he was asked to come to Calcutta he naturally demanded that he should get something like an ordinary allowance in order that he might not be a loser by having been transferred from one post to another.

I may tell the House that the question of the fixation of his pay is yet before the Finance Department. It is therefore totally untrue to say that he has been transferred from Dacca to Calcutta on a salary double of what he was enjoying there. The salary has not yet been fixed. He is a Government servant. He has been drafted on a special duty and is now working here. The Finance Department has been scrutinising the question of his pay, and until and unless the pay is fixed by the Finance Department it is impossible for us to say what pay really will be attached to the post. But I can give the House this assurance that the Finance Department in these matters will be very circumspect and they will see that the requirements of economy are strictly adhered to.

Then, Sir, about the question of referring to the Public Service Commission, let me tell the House that the creation of a post does not require the sanction of the Public Service Commission; secondly, when one already in Government service is appointed to a temporary post in public service, the matter does not go to the Public Service Commission. It is only when a permanent appointment of an outsider is made that the scrutiny of the Public Service Commission is needed, and I can tell the House that in this matter we will not be in a position to break the rules and we will have to submit the case to the Public Service Commission when the permanent appointment is made. The post is going to be advertised and the Public Service Commission will select for us the best candidate available, and for aught I know, the present incumbent may not be occupying the post after the scrutiny by the Public Service Commission. It is only a temporary appointment, and therefore no rules have been broken. There has been no hide and corner policy in the selection that has been made and I submit, therefore, to this House that all the criticisms that have been levelled namely, that we have been trying to circumvent the rules of the Public Service Commission have been without any substance, and have been based on a colossal ignorance of facts and of the rules of recruitment to public service.—(Interruption by Mr. Kiran Sankar Roy)—I am not going to be interrupted, Sir, and I ask, is that fair? Throughout

the time the Opposition had been speaking during those livelong days of the no-confidence motions in the House. I had been sitting here mute as a statue and I had never interrupted anybody. Is it fair to us therefore that while I am explaining the position of Government I shall be interrupted from all sides of the House on my left?—

Mr. KIRAN SANKAR ROY: Sir, I made this interruption, and I owe an explanation to the House why I made it. I asked him when he made the statement in this House that this appointment has been made on a temporary basis, what is the period of this temporary appointment?

The Hon'ble Mr. A. K. FAZLUL HUQ: I can give the House only an idea. The Public Service Commission at the present moment consists of a Chairman and one member, the Mahomedan member being absent on leave, and there is an idea that the Public Service Commission is not properly constituted. All important appointments have therefore been held up till Sir Hassan Suhrawardy returns from leave and takes his position in the Commission. After he comes back and the post is advertised, it will even then be impossible for me to say how long the Public Service Commission will take. It may be 2 months or 3 months, but the permanent appointment will be made as quickly as possible, because it is to our interest and to the interest of the officer selected that he should know where he is, whether he is to be retained here permanently or not. And for me also it is necessary to know whether my officer will be taken away permanently and whether I shall have to make a permanent appointment to the job which he has been occupying.

My esteemed friend, the Leader of the Opposition has read out from a piece of paper which, according to him, was a sort of a detailed statement as to what Government are going to do with this Publicity Officer. I can say here and now that there has been no Cabinet decision of the kind to which my friend has referred. And if my friend has been reading from a newspaper, it is one of those newspapers which have been consistent in spreading lies, falsehood and misrepresentation throughout the country, having an irrepressible tendency to publish news which is not only not correct but absolutely untrue. And I can say here and now that no decision of that kind has been taken by the Cabinet. My friend to my right has just pointed out rightly that questions of that kind have not been discussed even. It sometimes happens that a member of the Cabinet or a member of our party puts forward certain suggestions, and those are suggestions only. When they are discussed in Cabinet and accepted by Government, they become the accepted policy of Government. But until such matters are discussed in the Cabinet and accepted as the declared policy of Government; it is extremely unfair to us, if not worse, that a certain newspaper should publish something as to what Government are going

to do. As an example of the manner in which a newspaper can get hold of a piece of paper, from what sources it is impossible to say, I can cite two instances. Last year the *Hindusthan Standard* published a certain Secondary Education Board Draft Bill which was not even drafted then, and on the basis of that went on carrying an agitation for more than four months in the Press, and only the other day they have published the draft of the Secondary Education Bill which has not been finally accepted by the Cabinet. It exists only in certain form now before the Finance Department, and yet that paper has managed to get hold of that inchoate document and publish it, and on the basis of that has been carrying on propaganda against Government. The paper from which my friend has read out must be one of such papers and the statement must be one of those malicious lies which some of the newspapers in season and out of season are in the habit of promulgating against Government. To cut matters short, I can assure my friend that nothing like that has been decided, that as a matter of fact this appointment that has been made, along with the duty that would be assigned to its incumbent, is still under the consideration of Government. It may be asked why is it that we have come forward with this demand for a lakh of rupees if nothing has been finally settled. The reason is that by asking for a demand we give expression to our determination and our decision to have a Publicity Officer, and we want the House to come to an agreement with us, and, we want to have the House to vote in favour of the proposal to have a Publicity Department. We want to have this Rs. 1,00,000 provided for because from now, and may be till the cold weather, we may or may not have another session of the Assembly, and we want to have the authority of the Assembly to spend money on this Publicity Department. Now, Sir, there is no harm if this money is voted. The expenditure will be under the scrutiny of the Public Accounts Committee; every single rupee spent will have to be accounted for, and if there is any item of expenditure which is unauthorised, the Public Accounts Committee will refuse to sanction it, and we will have to answer to the House why we undertook this expenditure which could not be justified.

Now, Sir, my friend Mr. Nibinath Banerjee has said that there is no necessity for a Publicity Department because we can make speeches in this House and therefore that ought to be sufficient. May I tell him that even in Congress Provinces which are supposed to have leading newspapers of their own they have got Publicity Departments? But what is our position here? It is a matter of extreme regret that we are subjected to criticism, fair or unfair, on everything we do; almost the whole of the Indian-owned Press happens to be against us, and instead of receiving fair criticism we have got nothing but misrepresentation of our aims and aspirations and of our activities, in the columns of the Press. We have got no friends in the Press. And therefore if those that are supported by the Press feel the necessity of a Publicity

Department, the necessity must be far more in Bengal where we have not the advantage of the support and the sympathy of the Press.

Then, Sir, I may in passing—I do not wish to detain the House—make one reference to the remarks made by my friend Mr. Khaitan, that our erstwhile friends are voting against us. God save us from those friends. We know that those friends are voting against us; some more may be voting; we will take our chance. But we are not unnerved by the fact that people conveniently cross the floor of the House and go over from this side to the other. What they mean, they alone know. What is in their heart of hearts is known only to God above, and I am not here to judge.

Now, Sir, there is one small matter. It has been said that the Director of Public Information has been talking to somebody in the House. So far as the Ministers are concerned, he is perfectly within his rights to talk to us, and we are within our rights in talking to him, because at the present moment, the permanent officials of Government have not the privilege of sitting in the House. They sit behind in seats provided for them, and it may be necessary for us to go over to them to get information from them—

Dr. NALINAKSHA SANYAL: On a point of order, Sir —

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not finished, Sir. I am not going to be interrupted

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir?

Mr. SPEAKER: Yes, Dr. Sanyal.

Dr. NALINAKSHA SANYAL: The Hon'ble the Chief Minister says that he and the Ministers are within their rights to talk to any person in the gallery. Is your ruling, Sir, that it is not parliamentary practice for any member, be he Minister or be he a member, to talk to any Secretary or outsider May I know your ruling correctly, Sir?

Mr. SPEAKER: I anticipated this, and I therefore made my point absolutely clear. It is not permissible for anybody in the gallery to talk to the members, but I do not think any member of the House can be stopped from talking to the people in the gallery if he likes though he should not ordinarily do this to interrupt the proceedings of the House.

Dr. NALINAKSHA SANYAL: May I understand, Sir, that it is the Ministers' right to talk to them, and it is not the latter's right to talk to the Ministers?

Mr. SPEAKER: You are right.

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, I think it would not be fair on my part to detain the House any longer. I have made it clear that this appointment is only temporary, that it is in pursuance of a policy of establishing a Publicity Department that we have made this appointment; that this appointment will be properly advertised and scrutinized by the Public Service Commission and the Public Service Commission will have their say when the permanent appointment is made. Secondly, the elaborate programme which has been read out by the Leader of the Opposition really is not a programme that has been accepted by Government or decided upon by Government. It is a figment of fancy and invention of some newspaper for which we are not responsible, and I give this House the assurance that nothing of the kind that has been read out to this House has been decided upon by us. As regards pay and salaries of the staff, I have made the position clear. I hope, Sir, therefore that the House will also realize that the appointment of a Publicity Officer is necessary so that they may know what the Government is doing, and that they may have the facts before them in order to enable them to criticize the Government, and offer it helpful advice where necessary. I am not speaking on this matter in a spirit of opposition to the Opposition. I am only asking them to co-operate with Government in order to bring facts before the public, because after all the public have a right to know what Government have been doing, and what Government intend to do for them in future.

With these words, I oppose the motion.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, may I have two pieces of information arising out of the Chief Minister's speech before you put the motion to the vote? The first one is, he said, as you no doubt remember, in the course of his speech, that certain suggestions or schemes were prepared by individual Ministers, and until they come before the Cabinet, they were not decisions. We can follow that. May I enquire if portions of the scheme which appeared in the paper referred to by the Chief Minister, from which I read, were prepared by any of his colleagues? That is my first question.

The second is, he has not dealt with this question about subsidising the press, and I would desire specific information on this point. Is it intended to devote any portion of this one lakh of rupees to subsidising existing newspapers?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, as regards the first point, I can tell my friend I have not seen the scheme which he has read out, and so far as I know it has not been prepared by any member

of the Cabinet. If anybody has done it, it is not to my knowledge, and it has not come up before the Cabinet.

As regards subsidy, I said in the beginning, and I say now, that it is not our intention stealthily to subsidise newspapers for the purpose of supporting Government.

Mr. SARAT CHANDRA BOSE: Having regard to the courtesy shown to me by the Leader of the House, may I tell him that I shall consider it my duty to inform him as to which colleague of his prepared that scheme?

Mr. SPEAKER: The question before the House is that the demand of Rs. 1,00,000 for publicity under the head "25—General Administration" be reduced by Rs. 99,999 (Publicity grant unnecessary).

The motion being put a Division was taken.

Mr. SPEAKER: I might just draw the attention of the honourable members at this stage that those who will support the motion will go to the "Aye" lobby, i.e., the Opposition will go to the Opposition side and the Ministerial party will go to the Ministerial side.

Unless honourable members go quickly I am sorry I shall have to close the Division as early as possible. There are three doors to my right and three to my left.

Mr. SARAT CHANDRA BOSE: Let the Hon'ble Ministers show the way, Sir.

The House divided with the following result:—

AYES—103.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Hafiz, Mr. Mirza.
Abdul Hakeem, Mr.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Chowdhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Ahmed Ali Mridha, Maulvi.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Azhar Ali, Maulvi.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nat
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Bannerjee, Mr. Manoranjan.
Barma, Babu Prabhari
Barma, Mr. Pespajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Sj. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.

Fazlur Rahman (Muktear), Mr.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Md.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. G. D.
Jonab Ali Majumdar, Maulvi.
Khaitan, Mr. Debi Prosad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maqsuddin Ahmed, Dr.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Barada Behari.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulna Md.
Maqbul Hosain, Mr.
Mookerjee, Mr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukerjee, Mr. B.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Ramakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kiriori Pati.
Roy, Mr. Manmatha Nath.
Roy, Babu Patiram.
Sanaullah, Al-Haj, Maulana Dr.
Sanyal, Dr. Kalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamshuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinhal, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Tamizuddin Khan, Maulvi.
Thakur, Mr. Pramatha Ranjan.
Wahiur Rahman, Maulvi.
Yousuf Mirza, Mr.
Yusuf Ali Choudhury, Mr.
Zaman, Mr. A. M. A.

NOES—123.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kadeer, Mr.
Abdul Karim, Mr
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur, A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Choudhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Hosain Jearcar, Maulvi.
Ahmed Ali Easayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Maulvi.
Amir Ali Mia, Maulvi Md.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Asiad, Hossain Khan, Maulvi.
Barat Ali, Mr. Md.
Bell-Hart, Miss P. S.
Brasher, Mrs. F. C.
Blomenstok, Mr. L. M.
Campbell, Sir George.
Chippendale, Mr. J. W
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr Upendranath
Farhad Raza Choudhury, Mr M
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Gomes, Mr S. A.
Griffiths, Mr. C
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs.
Hatemally Jemadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hirtzel, Mr. M. A. F.
Homan, Mr. F. T.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi
Kennedy, Mr. I. G.
MacGregor, Mr. L. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.

Maguire, Mr. L. T.
Mahatabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Manirudin Akhand, Maulvi.
Masud Ali Khan Panni, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G.
Moslem Ali Mollah, Maulvi.
Mozammel Hug, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Meah.
Mohammad Israil, Maulvi.
Mohammad Siddique, Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary
Muharrum Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswar Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada M.
Nazimuddin, the Hon'ble Khwaja Sir
Noorudin, Mr. K.
Norton, Mr. H. R.
Patton, Mr. W. C.
Paul, Sir Hari Sanker.
Rahman, Khan Bahadur, A. M. L.
Rajibuddin Tarafdar Maulvi.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Mr Bijoy Prasad Singh.
Roy, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Sharuddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja.
Shamsuddin Ahmed Khandkar Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Lith Munda.
Steven Mr. J W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Walker, Mr J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Warren, Mr. P. F. S.
Zahur Ahmed Choudhury, Maulvi.

The Noes being 123 and the Ayes being 103 the motion was lost.

Mr. SPEAKER: I hope honourable members will have no objection if I now put the main demand before the House. The other demands may be taken up to-morrow.

The question before the House is that a sum of Rs. 2,00,000 be granted for expenditure under the head "25—General Administration—General Administration" during the year 1938-39.

The motion was put and agreed to.

Adjournment.

The House was then adjourned at 1-45 p.m. on Tuesday, the 16th August, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 16th August, 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 227 members.

STARRED QUESTIONS

(to which oral answers were given)

Externment from Bengal of several ex-prisoners in the Kakori Conspiracy Case.

*78. **Mr. DHIRENDRA NATH DATTA:** (a) Is the Hon'ble Minister in charge of the Home (Political) Department aware—

(i) that Babus Jogesh Chandra Chatterjee, Gobinda Kar, Sachindra Nath Bakshi and Sachindra Sanyal had formerly been ex-prisoners in the Kakori Conspiracy Case;

(ii) that they were released by the United Provinces Government; and

(iii) that they had been residents of the Province of Bengal?

(b) Is it a fact that they have been externed from the Province of Bengal by this Government?

(c) If the answer to clause (b) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for externing them?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) (i) So far as I am aware they are still ex-prisoners of the Kakori Conspiracy Case.

(ii) and (iii) Not in each case.

(b) Yes.

(c) They are externed for reasons connected with the public safety.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if Gobindo Chandra Kar was for some time in Bengal after his release?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state whether after the release of Gobindo Chandra Kar, while he was in Bengal, Government had any reason to believe that he did anything which was dangerous to public safety?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not a question of his having done anything dangerous during the period from his release to his externment; but Government are of opinion that for the present it is advisable to extern all the Kakori prisoners from Bengal.

Srijut Dhirendra Kumar Bhattacharjee, a convict in the Inter-Provincial Conspiracy Case, suffering from serious diseases.

*79. **Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether it is a fact that Dhirendra Kumar Bhattacharjee, son of Srijut Monmohan Bhattacharjee, of the district of Tippera, a convict in the Inter-Provincial Conspiracy Case, now in the Dum-Dum Jail, has been suffering from serious diseases for a long time past?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are the diseases he is suffering from,

(*ii*) what treatment he is receiving;

(*iii*) whether he was removed to the Medical College Hospital for treatment;

(*iv*) whether there was any diagnosis of the disease there,

(*v*) what treatment did he receive in the Medical College Hospital; and

(*vi*) whether at the time he was taken to the Dum-Dum Jail from the Medical College Hospital he fully recovered?

(*c*) If the answer to (*b*) (*vi*) is in the negative, why was he removed to the Dum-Dum Jail before full recovery?

(*d*) Have the Government received any petition from his father giving details of his ailments and complaining of the method of treatment and praying for his release in view of the serious ailments he is suffering from?

(*e*) If the answer to (*d*) is in the affirmative, do the Government contemplate granting the prayer of the father in view of the condition of his health?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) He has been suffering from chronic pharyngitis and goitre. This condition although of a protracted, is not of a serious, nature. He was thrice sent to the Medical College Hospital and discharged with prescriptions and directions for treatment which can be carried out in the jail.

(*d*) Yes.

(*e*) The matter is under consideration.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if he is aware that in the last petition submitted by his father he complained that the prisoner was suffering from brain complaints?

The Hon'ble Khwaja Sir NAZIMUDDIN: He may be suffering from melancholia.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when he was discharged for the last time from the Medical College Hospital?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice as far as time is concerned

Under-representation of the Scheduled Castes and Muslims in the I.B., C.I.D., and D.I.B. Departments of Bengal.

***80. Mr. ABUL HOSAIN AHMED:** With reference to the reply to question (starred) 513 (*vide* your office D-O No 2143Pl., dated the 28th June, 1938), will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) the reason for the under-representation of members of the Scheduled Castes as well as of the Muslim community in the Intelligence Branch, Criminal Investigation Department and District Intelligence Branch Departments in Bengal in the ranks of Inspectors, Sub-Inspectors, Assistant Sub-Inspectors and constables; and

(*b*) what steps, if any, are now being or proposed to be taken to remove the disparity in these departments by recruitment from the Scheduled Castes as well as from the Muslim community according to the population strength?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Appointment is made by selection irrespective of the communities to which the officers

belonged but according to their suitability for the work. Nobody is excluded because he may belong to a particular community however.

(b) As the posts are strictly selective regard being paid to the suitability of officers for the work, appointments on a population basis cannot be made.

Mr. MONMOHON DAS: Will the Hon'ble Minister be pleased to state what is the standard by which the suitability of the candidate is judged?

The Hon'ble Khwaja Sir NAZIMUDDIN: In this particular instance the ability to do Intelligence Branch work, getting into touch with the people who are conspirators and ability to detect them

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether he likes to observe communal proportion in this sort of services in the matter of appointment?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no question of appointment. It is only transfer to a particular work. They remain Sub-Inspectors or Inspectors and they are only deputed to this particular branch of work.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state if he is aware that on account of special allowances being attached to these posts there is discontent among Muslim officers of proved efficiency for being deprived of them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state if Muslim officers will be transferred to this department according to communal proportion?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already informed the House that the question of communal proportion does not arise. Communal proportion arises when the question of direct appointment is considered. These people are already in service and the question is whether they should do this work or that work.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if Muslims are found unsuitable for this work?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how many Inspectors are there in the Intelligence Branch and how many of them are Muslims?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether even sufficient numbers of constables are not available from among Muslims and scheduled castes who are deemed to be suitable for this work?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that the question of constable does not arise out of this question.

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. It does arise with reference to question (a), where it is mentioned—"ranks of Inspectors, Sub-Inspectors, Assistant Sub-Inspectors and constables".

The Hon'ble Khwaja Sir NAZIMUDDIN: I stand corrected.

Maulvi ABDUL LATIF BISWAS: In view of the answer given by the Hon'ble Minister that the Muslims are unsuitable for these posts, will the Hon'ble Minister be pleased to consider the desirability of increasing the percentage of Muslim members in this branch?

The Hon'ble Khwaja Sir NAZIMUDDIN: I never said that Muslim officers are unsuitable for this work. Most of those officers who are at the present time working in the Criminal Investigation Department, especially in the Intelligence Branch, were deputed there before the present Government took over office and it was then the policy that the officers whom the department considered most suitable for this work were posted there. I am looking into this question and in view of the changed circumstances, I feel that Government should utilise the services of Muslim officers in this department more in future.

Ban on Babu Bihari Lal Dutta, a released detenu of Sylhet, against his entry into Bengal.

*81. **Mr. HARIPADA CHATTOPADHYAY:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Babu Bihari Lal Dutta, son of Babu Nabin Chandra Dutta, of village Gandargar, police-station Kulwana, district Sylhet (Assam), was a detenu interned in a Bengal village under the Bengal Criminal Law Amendment Act, up to December, 1937?

(*b*) Whether the said Babu Bihari Lal Dutta was released from internment in December, 1937, and served with an order to quit Bengal and not to re-enter the province so long as that order stands?

(*c*) Whether since then several petitions have been received by the Government from the said Babu Bihari Lal Dutta praying for permission to stay in Calcutta for getting better facilities of medical treatment and studies?

(*d*) If the answer to (*c*) is in the affirmative, how many such petitions have been received?

(*e*) Is it a fact that the said Babu Bihari Lal Dutta got a severe attack of Pleurisy while he was in the Presidency Jail, Calcutta, in 1937?

(*f*) Is it a fact that the said Babu Bihari Lal Dutta submitted a petition to the Government attaching a medical certificate which stated that in order to receive proper treatment for the after-effects of Pleurisy, the said Babu Bihari Lal Dutta should be removed to Calcutta?

(*g*) Whether the Government have recently received a further petition from the said Babu Bihari Lal Dutta asking for permission to come to and stay in Calcutta with a view to prosecute his studies in an Ayurvedic College?

(*h*) If the answers to (*f*) and (*g*) are in the affirmative, what action have the Government taken on the applications received?

(*i*) Is it not a fact that restrictions imposed on a large number of detenus are now being withdrawn?

(*j*) If so, do the Government propose to remove the ban placed on the said Babu Bihari Lal Dutta, against his entry into Bengal at an early date?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes, except that the month was November not December.

(*c*) and (*d*) One petition was received in 1937 asking for permission to return to Calcutta on grounds of health. Three subsequent petitions have been received basing the request for the removal of the externment order on the desire of the petitioner to study Ayurvedic medicine in Calcutta and earn his living thereby.

(*e*) and (*f*) No.

(*g*) and (*i*) Yes.

(*h*) In so far as (*f*) is concerned, the question does not arise. The petition is under consideration.

(*g*) The hon'ble member is referred to the answer to (*h*) above.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what were the reasons for this externment order?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government do not want terrorists or those who have been under detention under the Criminal Law Amendment Act belonging to other provinces to be in Bengal.

Mr. SURENDRA NATH BISWAS: Is it not a fact that Bihari Lal Dutta was arrested in Faridpur while a student of the Faridpur College?

The Hon'ble Khwaja Sir NAZIMUDDIN: He is not a resident of Bengal. He belongs to Assam.

Mr. SURENDRA NATH BISWAS: Is it not a fact that his activities were in Faridpur?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is all the more reason why he should go back to his native place.

Dalals of brothels.

***82. Mr. J. N. GUPTA:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home (Police) Department been drawn to the fact that a number of persons working as *dalals* of brothels obstruct the passage of motor cars, rickshaws passing on Durga Charan Mitter Street, Calcutta, and making offers to the people they come across on the street?

(*b*) If the answer be in the affirmative, is the Hon'ble Minister considering the desirability of taking steps for arranging strong guard by posting European sergeants there with a view to preventing those *dalals* from loitering on the street?

The Hon'ble Khwaja Sir NAZIMUDDIN:

(b) Does not arise.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that it has become practically impossible for any one to pass through Wellesley Street and Ripon Street after 10 p.m.?

Mr. SPEAKER: That question does not arise.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় জবাব দিয়েছেন যে, তিনি এ বিষয় কিছু অবগত নন, তিনি কি নিজে দয়া করে ঐ অঞ্চল ঘুরে দেখে নিজে কিছু জেনে নেবেন?

Mr. SPEAKER: That question does not arise.

Political prisoners in jails and their release.

*83. **Mr. BIRENDRA NATH MAZUMDAR:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(i) the number of political prisoners still in jail; and

(ii) the policy that has been adopted by the Government about the release of political prisoners as a result of the negotiations between the Hon'ble Home Minister and Mahatma Gandhi and the Congress President, Srijut Subhas Chandra Bose?

(b) Will the Hon'ble Minister be pleased to lay on the table copies of correspondence that passed between Mahatma Gandhi and the Hon'ble Home Minister as regards the release of detenus and political prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: I presume that the hon'ble member refers to persons sentenced to imprisonment by the courts for offences connected with the terrorist movement. The number still undergoing their sentences is 316. The matter remains under consideration and I regret that I am not prepared to make a statement or publish the correspondence on the subject at the present time.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if Government have come to any conclusion as to the release of these prisoners—conditional or otherwise?

The Hon'ble Khwaja Sir NAZIMUDDIN: The subject is still a matter of discussion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time Government are likely to come to a decision on this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that an assurance was given to Mahatma Gandhi that within three months from July last a decision would be arrived at?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would ask the honourable member to refer the matter to Mr. Gandhi and he will no doubt get a satisfactory reply from him.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state how many of these prisoners are women?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice

Travelling and daily allowance bills of all Ministers separately from 1st April to 28th July, 1938.

*84. **Mr. MAQBUL HOSAIN:** Will the Hon'ble Minister in charge of the Finance Department be pleased to lay a statement on the table showing for the period from the 1st April to 28th July, 1938—

(a) the total expenditure incurred from public revenues on account of the travelling and daily allowance bills of all the Ministers, separately; and

(b) the number of third class tickets exclusive of those for orderlies or peons, allowed to each Minister?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): A statement is laid on the table. It includes charges on account of third class tickets of personal servants accompanying the Hon'ble Ministers on tour. It has not been possible to collect figures for the month of July.

In column three of the statement is shown the number of third class tickets taken for the personal servants of each Minister for the month of April. Figures for the other months are not yet readily available.

*Statement referred to in the reply to starred question No. *84 showing the total expenditure incurred from public revenues on account of the travelling allowance and daily allowance bills of all the Ministers up to the 30th June, 1938.*

Names. (1)	Expenditure on account of travelling allowance and daily allowance (2) Rs. a. p.	Remarks (3)
1. The Hon'ble Mr. A. K. Fazlul Haque	2,911 9 0	(1) 7 (2) 6 (3) .. 5 (4) . 5
2. The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E.	628 3 6	Nil.
3. The Hon'ble Mr. N. R. Sarker	808 8 6	(1) 2 (2) .. 2
4. The Hon'ble Mr. H. S. Suhrawardy	1,369 2 6	(1) 2 (2) 2 (3) 4 (4) .. 4
5. The Hon'ble Sir B. P. Singh Roy, K.T.	940 6 6	(1) 1 (2) 5
6. The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca	1,628 4 6	(1) .. 4 (2) . 2 (3) 4 (4) 3
7. The Hon'ble Nawab Musharruff Hossain, Khan Bahadur	270 9 6	10
8. The Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar	1,587 12 6	4
9. The Hon'ble Mr. P. R. Rakut	455 9 0	Nil
10. The Hon'ble Mr. M. B. Mullick	675 9 3	(1) 7 (2) . 6
11. The Hon'ble Mr. Syed Nausher Ali (ex Minister)	1,011 0 0	Nil

The numbers in brackets in the third column indicate serially the different tours undertaken within the month of April.

India Government grant for economic development and improvement of rural areas.

***85. Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table an up-to-date statement showing year by year—

(*b*) the amount received by the Government from the Government of India for economic development and improvement of rural areas including the rural uplift grant;

(ii) the amount spent and

(iii) the amount spent for the works in each district, district by district?

(b) Is it a fact that the tube wells are sunk in the rural area from this fund?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state the amount spent for sinking of tube wells in each district, district by district, up to date?

The Hon'ble Mr. NALINI RANJAN SARKER: (a)—

(i) 1935-36—Rs. 16,00,000.
1936-37—Nil.
1937-38—Rs. 4,56,600.

(ii) 1935-36—Rs. 4,13,300.
1936-37—Rs. 8,88,600.
1937-38—Rs. 5,17,109

(iii) A statement (Statement I) is laid on the Library table showing the expenditure incurred in each district by the District Officers out of grants for economic development and improvement of rural areas. Figures relating to expenditure incurred out of these grants through District Boards, Commissioners of Divisions and other agencies, have been asked for but are not yet available.

(b) Yes.

(c) A statement (Statement II) is laid on the Library table.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state on what basis the allotments to each district are made?

The Hon'ble Mr. NALINI RANJAN SARKER: First it was made on the basis of population.

Remuneration of typists and copyists of the Civil, Criminal and Revenue Courts.

***86. Mr. MONORANJAN BANNERJEE** (a) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state whether it is a fact—

(i) that on 31st August, 1921, the Bengal Legislative Council adopted a resolution recommending that the typists and copyists of the Civil, Criminal and Revenue Courts be organised into a regular establishment with fixed salaries on a time-scale basis on such conditions and privileges as are attached to Government service,

(ii) that on the 19th January, 1922, the Government stated in Council that the resolution was still under consideration of the Government;

(iii) that again on the 23rd November, 1922, Government gave the assurance that the scheme for giving relief to the typists and copyists would be formulated as soon as funds permit; and

(iv) that a resolution to the above effect was also adopted by the Council in July, 1928?

(b) Do the Government now contemplate giving effect to the resolution, and pending the final decision of the said resolutions, are the Government considering the desirability of increasing the remuneration of the typists and copyists to three annas instead of two annas per folio as assured by the Government on the 20th December, 1934, in reply to a question by Maulvi Syed Majid Baksh?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) Yes.

(b) The answers to both parts of the question are in the negative. The statement in the question is not correct. In reply to a question by Maulvi Syed Majid Baksh in December, 1934, Government informed the Council that they were not considering the desirability of increasing the remuneration of typists and copyists from two annas to three annas per folio.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if Government have at present any intention to increase the remuneration of the typists and copyists?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The answer is already th

Criminal appeals and motions filed before the District Magistrate, Rajshahi.

*87. **Maulvi MOSLEM Ali MOLLAH:** Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state—

(a) the number of criminal appeals and motions filed before the District Magistrate, Rajshahi, since Captain Johnston took over the charge of the district, and

(b) (i) the number of such appeals and motions since allowed by him, and

(ii) the number since dismissed?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) 85 appeals and 8 motions.

(*b*) (*i*) Appeals allowed in 13 cases and orders of lower courts altered or modified in 14. Motions allowed—2.

(*ii*) 42 appeals and 3 motions.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how many of the decisions of the District Magistrate of Rajshahi, Captain Johnston, were set aside by the Hon'ble the High Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want notice.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state in how many cases the Hon'ble High Court passed strictures on the judgments of Captain Johnston?

Mr. SPEAKER: That question does not arise.

Muslim Sub-Judges and District Judges.

*88. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to lay on the table a statement showing for the present time—

(*i*) the number of Sub-Judges and District Judges of Bengal; and

(*ii*) the number of Muslim Sub-Judges and District Judges?

(*b*) Is the Hon'ble Minister aware that the number of Muslim Sub-Judges and District Judges are below the proportion to their population in the province?

(*c*) If so, is the Hon'ble Minister considering the desirability of appointing a number of Muslims as Sub-Judges and District Judges from amongst the Munsifs and lawyers from the districts, respectively?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) 55 and 48, respectively.

(*ii*) One and 4, respectively.

(*b*) Yes.

(*c*) The matter is engaging the attention of Government.

Babu NAGENDRA NATH SEN: With reference to answer (*c*), does the Hon'ble Minister think that it is the question of the religion of the officers and not their merits that has to be taken into consideration?

Mr. SPEAKER: That is a matter of opinion.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Extra copyists and non-permanent clerks in the Registration Department.

44. RAI HARENDRA NATH CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state what scheme, if any, has been evolved to place those extra copyists and non-permanent hands who are working for a long time on the permanent establishment?

(*b*) What are the reasons for continuing for a long time a large establishment on a non-permanent basis?

(*c*) Is it not a fact that the volume of work shows a permanent increase for more than a decade?

(*d*) Is the Hon'ble Minister aware—

(*i*) that the extra copyists are paid at the rate of two and one and a half annas per 300 words copied in the Calcutta and District Registration Offices, respectively, and

(*ii*) but the Registration Offices charge at the rate of 8 annas per page as copying fee from the parties?

(*e*) If the answer to (*d*) is in the affirmative, why are the extra copyists paid at such a low rate?

MINISTER in charge of the EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No such scheme has been prepared as it is not practicable.

(*b*) This is due to the extremely fluctuating nature of the work in the Registration Offices.

(*c*) No

(*d*) Yes.

(*e*) This is considered to be a reasonable and economic remuneration for the work done.

Electricity charges at Dacca.

45. Mr. S. A. SALIM: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that the rate of electricity charge at Dacca is higher than that charged in Calcutta?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of urging upon the Electric Company at Dacca to reduce the rate?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) Yes.

(b) At our request the Company has reduced its rate by half-an-anna. I am examining the papers further as the licensees are not agreeable to a further reduction of the domestic rate.

Mr. CURTIS MILLAR: Is the Hon'ble Minister aware that the Calcutta undertaking is 250 times the size of the Dacca undertaking and makes much more economical working possible? Then, again, with reference to question (b), is it a fact that the licensee at Dacca has informed the Government of his willingness to review the rates with reference to the present year's working?

Mr. SANTOSH KUMAR BASU: Is the hon'ble member asking for information or giving information?

The Hon'ble Mr. H. S. SUHRAWARDY: I am fully aware of the fact that the Calcutta undertaking is very much larger than the Dacca undertaking and that there is no comparison possible between the Calcutta rates and the Dacca rates. But this does not do away with any opinion that I may hold that the Dacca rates *per se* are higher than what they might be.

Mr. CURTIS MILLAR: Is it not a fact that the licensee in Dacca has intimated his willingness to review the rates?

The Hon'ble Mr. H. S. SUHRAWARDY: It does not quite appear from the licensee's letter that that is so, but I have not the least doubt that Government in the interest of the public and the licensees in their own interest would be able to come to some sort of agreement.

Illness of Babu Sunil Kumar Das, a detenu.

46. Mr. JOGESH CHANDRA GUPTA: (a) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact

(i) that detenu Babu Sunil Kumar Das of Dacca now lodged in the Presidency Jail is suffering from ailments,

(ii) that his latest trouble has been diagnosed by Specialists as due to floating kidney;

(iii) that sometimes he gets evening rise of temperature and suffers from acute pain in the Iliac region and

(iv) that some time ago he was examined by a Nose Specialist for nasal troubles who opined that he is suffering from Chronic Rhinitis, and as a consequence there are signs of aural defect?

(b) If the answer to any of the clauses (a) are in the affirmative,

(i) will the Hon'ble Minister be pleased to state what arrangements have been made for his treatment; and

(ii) are the Government considering the desirability of releasing him forthwith so as to enable him to get proper treatment outside?

(c) Is the Hon'ble Minister aware—

(i) that his elder brother, Babu Anil Das, M.Sc., died in the Dacca Central Jail in 1932, and

(ii) that his younger brother, Babu Parimal Das, died of an accident six months' after his elder brother's death?

(d) Are the Government considering the desirability of granting the prayer contained in the petition of Sunil Babu's mother for the release of her only and remaining son?

The Hon'ble Khwaja Sir NAZIMUDDIN: The individual in question has already been released and in the circumstances I think the hon'ble member will not wish to pursue these enquiries.

Removal of disqualification of candidates and their election agents.

47. Miss P. B. BELL-HART: (a) Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state—

(i) whether notifications Nos. 10876A.R. and 15691A.R., dated the 15th July, 1937, and 29th November, 1937, respectively, have removed the disqualifications incurred by those who are named in the first and second columns of the schedule annexed to the notifications as candidates and as election agents respectively;

(ii) whether these notifications have removed the disqualifications incurred by election agents who have not been named in the second column of the schedule; and

(iii) whether any representations have been received protesting against the interpretation given in letter No. 237A.R.—D., dated the 7th May, 1938, issued by the department from which the notifications were issued?

(b) If the answer to (a) (iii) is in the affirmative, what action has been taken on the representations?

(c) Are the Government considering the desirability of taking action in the matter?

(d) If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: The notifications were intended to remove all the disqualifications that may have been incurred by all the persons named, whether as candidates or as election agents. Some representations were received and the notifications were re-examined. Government have been advised that the notifications achieve the intended object; no futher action is therefore called for.

Clearing of night-soil and working of oil-mills by the prisoners in jails.

48. Khan Sahib Maulvi HATEMALLY JAMADAR: (a) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact that in the jails of Bengal, prisoners are compelled to clear night-soil and to work on oil-mill?

(b) If so, are the Government considering the desirability of putting a stop to these practices?

(c) Are the Government considering the desirability of making necessary arrangements in jails for the instruction of the prisoners so that they may prove themselves useful citizens after jail life?

(d) Are the Government considering the desirability of giving facilities to Muslim prisoners in respect of—

(i) saying their daily prayers,

(ii) keeping fast during the month of *Ramzan*, and

(iii) exempting them from all works on *Juma* days?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Prisoners are not compelled to clear night-soil. This work is done by convicts who volunteer to do *mehtar's* work. Prisoners declared fit by the Medical Officer of the jail are employed on oil-mills for short period.

(b) The question does not arise so far as *mehtar's* work is concerned. As regards oil-mills the question will be considered with other suggestions regarding jail labour in the light of replies to the questionnaire issued by Government on the subject.

(c) Yes.

(d) The hon'ble member is invited to read the detailed provisions on this subject already contained in Chapter XVIII of the Bengal Jail Code, seventh edition, a copy of which is in the Library.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if convicts are compelled to work as mehtars by indirect methods?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the negative.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether prisoners who have agreed to work as mehtars are given certain special facilities?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe so.

Maulvi TAMIZUDDIN KHAN: Is it not a fact that it is the lure of these special facilities that induces convicts to work as mehtars?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is quite possible.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state, with reference to the speech delivered by Babu Haripada Chattopadhyay, that prisoners are compelled to clear night-soil and to work on oil-mills, whether he has made any enquiry on this point?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that I have made an enquiry about the matter but I am prepared to make an enquiry.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether Government consider the desirability of taking the services of mehtars from outside where mehtars are available in cities?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government have issued a questionnaire about the Jail Administration, and the whole question will be reviewed in the light of the answers that will be received to this questionnaire.

Babu NARENDRA NARAYAN CHAKRABARTI: মাননীয় মন্ত্রী মহাশয় কি জানেন যে এই মেথর সংগ্রহ করবার সময় জেলে স্বেচ্ছা প্রণোদিত মেথরের কাজ অভাব ঘটে শারীরিক দণ্ড এবং অন্যান্য নানা প্রকারের শাস্তি প্রদান করে কয়েদীদের মেথরের কাজ করবার জন্য বাধ্য করা হয়।

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the negative.

Hours of work of the prisoners employed in ghanis in the jails of Bengal.

49. Mr. ABDUL WAHAB KHAN: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state how many hours in the day are the prisoners employed in oil-pressing machines (*ghanis*) made to work at a stretch generally in all the jails of Bengal?

(*b*) Is it a fact that in the Barisal Jail, the prisoners on *ghanis* are made to work at a stretch for more than five hours on the ground that oil clay must be continuously pressed to prevent drying up?

(*c*) Is the Hon'ble Minister aware of the recommendations of jail visitors as well as the insistent demand of the people, for abandoning this system of punishment, altogether?

(*d*) Will the Hon'ble Minister consider the desirability of abandoning this system, or state the difficulties, if any, in abandoning this system?

(*e*) Till, however, the system of employing prisoners on *ghani* is abolished, will the Hon'ble Minister consider the desirability of employing one set of prisoners for three hours and then relieving them by another set, if necessary?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Usually about five hours and never more than eight

(*b*) The task allotted is the pressing of 10 seers per mill per diem. Two prisoners work on the mill at a time, and a third assists in doing odd jobs. They change round in shifts so that no single individual has to work continuously on the mill throughout the performance of the task. The time taken to press 10 seers varies but is usually about five hours in all.

(*c*) to (*e*) I am aware that the task is unpopular with prisoners and that in some quarters the view is held that it should be abolished.

Abolition involves the substitution of a suitable form of labour for able-bodied, prisoners sentenced to rigorous imprisonment for short periods, and also requires that arrangements be made to purchase from outside mustard oil in the quantities, and of the standard of purity, now available. I have accordingly taken steps to invite opinion throughout the province and replies on the subject are expected in answer to the questionnaire already circulated. The whole question will be examined when these replies are received

Mr. ATUL KRISHNA GHOSE: In answer to (*c*) to (*e*) the Hon'ble Minister says "that the task is unpopular with prisoners and that in some quarters the view is held that it should be abolished."

and yet in the same breath he says that "the whole question will be examined when these replies are received". Therefore, since the Hon'ble Minister is already aware of the fact that ghani is undesirable and also that there is a feeling in various quarters that ghani should be abolished, then, what is the necessity of reopening the whole question and discussing it after inviting so many gentlemen?

The Hon'ble Khwaja Sir NAZIMUDDIN: The trouble is that in my reply I have used the word "some", but while putting the question the member has put the word "various" quarters: that is the difficulty.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that 5 to 8 hours work at a stretch beginning from 8 a.m. interferes with the regular midday meals and prayers of the prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware, there is no interference with either.

Providing the released detenus with employment or finance to start small business.

50. Mr. P. BANERJI: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether the Government propose to provide the detenus released after long incarceration, with suitable employment or with suitable finance to start small business?

The Hon'ble Khwaja Sir NAZIMUDDIN: Released detenus who are eligible under the ordinary rules for employment in any particular Government post must apply to the appointing authority in the prescribed manner, and will receive consideration on their merits in common with other applicants. Financial aid will continue to be given in approved cases to detenus who have completed vocational training to the satisfaction of Government in the training camps provided for the purpose.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether financial aid would be confined to those ex-detenus who have completed the vocational training to the satisfaction of Government in the training camps?

The Hon'ble Khwaja Sir NAZIMUDDIN: For the present that is

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Minister prepared to consider the cases of those other ex-detenus who might prove themselves qualified to carry on any particular kind of technical work?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is difficult to express an opinion until a concrete case comes up.

Mr. SPEAKER: I am anxious to finish the questions as soon as possible. So, if you have any other question to put, please be very brief.

Mr. SANTOSH KUMAR BASU: All right, Sir. If any concrete case is presented to the Hon'ble Minister, will he be prepared to consider it on its merits?

The Hon'ble Khwaja Sir NAZIMUDDIN: On merits? Yes.

Mr. SANTOSH KUMAR BASU: Thank you.

SUPPLEMENTARY DEMAND FOR GRANT.

Education—General—37.

The Hon'ble Mr. A. K. FAZLUL HUQ: On the recommendation of the Governor, I beg to move that a sum of Rs. 5,35,000 be granted for expenditure under the head "37—Education—General" during the year 1938-39.

Mr. MONMOHAN DAS: I beg to move that the demand of Rs. 5,35,000 for expenditure under the head "37—Education—General" during the year 1938-39 be reduced by Rs. 100, to raise a discussion about the time when, and the manner in which, the amounts provided are proposed to be spent.

Sir, it must be admitted that the question of education is one of the most important questions with which the Scheduled Castes are vitally concerned. At the time of the last budget discussion, Government were kind enough to allot a sum of Rs. 35,000 for the education of the Scheduled Caste boys. At that time, Sir, the appalling illiteracy of the people of the Scheduled Castes urged me to table a token cut motion demanding a sum of Rs. 5,00,000 for the spread of education among the Scheduled Castes. In reply to my speech in moving that motion, the Hon'ble the Chief Minister, realising the situation in the House, promised that a scheme would be made ready for the July session of the Assembly for this purpose. I am sorry to say, however, that no such scheme has yet been prepared. I have come to

learn from a prominent member of the Cabinet that notwithstanding no scheme has yet been prepared but that there is no chance of any such scheme being made ready within a short time unless and until we are prepared to give an assurance to support this Ministry. I am sorry to remark that it is a very unsympathetic attitude on the part of the Ministry towards the cause of the Scheduled Castes that they want to bargain with us before doing anything. As a matter of fact, Sir, the Bengal Ministry has done nothing for the good of the Scheduled Castes up to the present time. So far as the scheme, to which I have just referred, is concerned, I beg to submit that after the last budget session was over, high hopes were created in the minds of Scheduled Caste boys in schools and colleges that within a very short time all their difficulties would be met by Government in the shape of stipends and scholarships and also in other ways. I may tell the House that many of our students have, since March last, entered schools and colleges with this hope that after the July session of the Assembly, they would be relieved of their difficulties and worries in prosecuting their studies. But nothing has yet been done. The Hon'ble the Chief Minister and his colleagues have given us enough hopes and assurances that the present Government will ameliorate the condition of the Scheduled Castes, although nothing in the shape of actual work has yet been undertaken. They have not fixed the proportion of appointments in the various departments to be reserved for Scheduled Caste candidates. Is it not a fact that the Scheduled Castes as a community in Bengal have got a separate entity of their own which was recognised in the famous Poona Pact? In this connection, I may draw the attention of the Hon'ble the Chief Minister to the statement he made the other day in connection with the no-confidence motions. He referred to the Congress Provinces and compared their activities with those of their own. I may say, Sir, that so far as Orissa is concerned, the Scheduled Caste boys have been given free-studentships in addition to special stipends and scholarships. So far as Madras is concerned, the annual expenditure there for Scheduled Castes students is Rs. 9 lakhs, and a further sum of Rs. 2 lakhs has been allotted this year for them. Five hostels have also been started there exclusively for Scheduled Caste boys, and 9 such hostels are receiving Government aid. An additional sum of Rs. 10,000 has been provided for the Scheduled Caste boys living in such hostels. Apart from these, many other suitable arrangements have also been made there for Scheduled Caste boys which the Government of Bengal have not even contemplated yet. As regards Bombay, they have made a much greater progress than what the Madras Government have done. A separate department has been started there for the Scheduled Castes. Apart from free-studentships and scholarships, the Bombay Government have been taking active interests in the cause of Scheduled Caste boys in every way. They have also allotted Rs. 6 lakhs, out of a total

of Rs. 10 lakhs provided for the supply of pure drinking water, exclusively for the Scheduled Caste people. I may tell the Hon'ble the Chief Minister that this is the situation in the Congress Provinces to whose activities he referred only the other day. I do not like to waste the valuable time of the House by referring to what the other Congress Provinces, viz., Bihar, the United Provinces and others have been doing. But what I fail to understand is, why should Bengal, being the biggest province and having the highest income be lagging behind the other provinces? Although we were given an assurance by the Hon'ble the Chief Minister that a sum of Rs. 5 lakhs would be provided by a supplementary demand to be brought in this session of the Assembly for the spread of education amongst the scheduled castes, here we find in the explanatory memorandum that with the approval of the Auditor-General this sum will be transferred to a deposit account so that any unexpended balance will not lapse. Sir, it was our earnest prayer that this sum of Rs. 5 lakhs should be spent in 1938.

May I enquire, Sir, if the Government is prepared to spend the whole amount of Rs. 5,00,000? My submission is that this five lakhs of rupees should be spent during this current year. The question arose regarding the scheme and programme as to how the money should be spent. I wish to submit that in Bengal in all the schools and colleges for the students of the scheduled castes tuition should at once be declared free and special stipends and scholarships should be awarded to each of the boys of the scheduled castes in schools and colleges and also other institutions such as medical, engineering and so on. I submit that free hostels should be started in every district and also in every subdivisional town. I regret to remind one thing. When the Hon'ble Mr. M. P. Mullick was at Mymensingh, I told him that the scheduled caste boys of Mymensingh suffered a great deal for want of suitable accommodation in messes and hostels. The boys of the scheduled castes are driven hither and thither for want of suitable lodgings because they are not in a position to remain in college hostels by paying regular charges.

Now, Sir, my submission is that the Government should issue a circular so that every student in schools and colleges should be in a position to enjoy the special stipends and scholarships and tuition fees should be declared free.

Sir, I beg to submit one thing more. So far as the question of grant to Muslim education is concerned, though I do not grudge my Muslim brethren, is it not a fact that special provision has been made for the maktabs and madrasahs, that special provision has been made for Muslim orphanage and also for the Purdah College? Is it not a fact that a special provision of Rs. 25 lakhs has been assured again to be spent within 2½ years. Sir, the condition of the Muhammadans is

identical with that of the scheduled castes in the country, and the scheduled castes as a matter of fact claim to be an independent community in the country. In these circumstances I submit that the amount of Rs. 5 lakhs, as I have already said, should be spent according to the decision of an Advisory Committee which should be formed with some members of the scheduled castes from the Legislature. Sir, I do not want that any portion of the money should be swallowed up by any special officer or something like that. So, I submit that this 5 lakhs of rupees should be spent in the course of the current year and a speedy circular should be issued to all parts of Bengal.

Sir, I have another grievance. There are two hon'ble members from the scheduled castes who are in the Cabinet, but I do not know if they have got any voice, or they are taking any interest. Otherwise how is it possible that our vital demands are not being met? Now, Sir—

(The member having reached the time-limit resumed his seat.)

Mr. RASIKLAL BISWAS: সভাপতি মহাশয়, আমার পূর্ববর্তী বক্তা মাননীয় মনোমোহন বাবু যে মোশন উপস্থিত কোরেছেন আমি সেটা সমর্থণ করি। গভর্ণমেণ্ট যে Scheduled castes দের শিক্ষার জন্য ৫ লক্ষ টাকা মঞ্জুর কোরেছেন এই প্রস্তাব শুনে সুখী হোয়েছিলাম কিন্তু আজ supplementary বাজেটে এ বিষয়ে টিপ্পনী দেখে আমি নিরাশ হোয়েছি। আমার মনে হয় গভর্ণমেণ্ট যে অনেক কাজ ধোরে আমাদের অনেক ধাপ্পাই দিয়েছেন—এটাও আবার নূতন কোরে ধাপ্পা দেওয়া। নৈলে প্রধান মন্ত্রী মহাশয় গতবারে বোলেছিলেন যে বছরে ৫ লক্ষ টাকা কোরে Scheduled castes দের শিক্ষার জন্য খরচ হবে। এই তার বক্তৃতা শুনে বুঝেছিলাম কিন্তু আজ supplementary বাজেট থেকে বুঝতে পারছি যে, এই ৫ লক্ষ টাকা এক বৎসরের মধ্যে খরচ হবে না, বহু বৎসর ধোরে খরচ হবে, এবং কি ভাবে খরচ হবে তা ও আমরা কিছু জানি না। পরম্পরা শোনা যায় একটি Special Officer নিযুক্ত কোরে তাঁরা স্কীম কোরবেন। কিন্তু গভর্ণমেণ্ট যে, কি ভাবে ৫ টাকাটা খরচ কোরবেন সেটার সম্বন্ধেও এই House এ ২ জন Scheduled castes member থাকা সত্ত্বেও, তাঁরা কারো কাছ থেকে কোন অভিমত নেন নাই। আমি জানি আমার কয়েকটি বন্ধু স্কীম দিয়েছিলেন, সে স্কীমও ছেঁড়া কাগজের ঝুড়িতে ফেলে দেওয়া হয়েছে। এই ভাবে যদি গভর্ণমেণ্ট নিজের স্কীম তৈরী করেন, তাহলে সে স্কীম দ্বারা অনুন্নত শ্রেণীর প্রকৃত কোন উন্নতি হবে না বলেই মনে হয়। আমি বার বার বোলেছি যে, এই গভর্ণমেণ্টের দ্বারা অনুন্নত শ্রেণীর শিক্ষার কোন সুবন্দোবস্ত হবে না। তাদের শিক্ষার জন্য এ পর্যন্ত কেউ কোন চেষ্টা করে নাই। এই ইউরোপিয়ানদের দ্বারা সমর্থিত গভর্ণমেণ্টের কাছে এবং তাঁদের প্রতিনিধিদের দ্বারা যে গভর্ণমেণ্ট পরিচালিত হচ্ছে সেই গভর্ণমেণ্টের কাছে আমরা বিশেষ কিছু আশা কোরতে পারি না। অনুন্নত শ্রেণীর ভিতর থেকে মন্ত্রী মণ্ডলে যে দুই জন আছেন তাঁরা ও এ বিষয়ে কোন কিছু অবগত নন। তাঁরা এ সময়ে কোন চেষ্টাই করেন না; বরং নিজেদের সুখ সুবিধা নিয়ে ব্যস্ত থাকায় তাঁরা অন্য সব কথা ভুলে গেছেন, নৈলে অনুন্নত শ্রেণীর শিক্ষার বন্দোবস্ত অনেক পূর্বেই হোতে পারতো। অন্যান্য প্রদেশের অবস্থা দেখে আমাদের বাস্তবিক লজ্জায় মাথা নীচু হোয়ে যায়। যে সব প্রদেশে কংগ্রেস গভর্ণমেণ্ট প্রচলিত সে সকল প্রদেশে তাঁরা অনুন্নত সম্প্রদায়ের বিদ্যার্থিগণকে বিনা বেতনে বিনা খরচায় পড়বার সুবিধা দিয়েছেন কিন্তু আমাদের এখানে টাকা দিয়েও আমরা পড়বার ব্যবস্থা কোরতে পারিনে। রাজসাহী কলেজ হোষ্টেলে এবার থেকে মুসলমান ছাত্রদের জন্য চার্জ একটাকা কমিয়ে দেওয়া হয়েছে। অনুন্নত শ্রেণীর ছাত্র কি সেখানে একটীও নাই,

নাকি যদি অনুন্নত শ্রেণীর প্রতি সহানুভূতি থাকতো তাহলে গভর্ণমেণ্ট তাদের জন্যও ব্যবস্থা করতো। কোন ছাত্রাবাসে বা গভর্ণমেণ্ট স্কুল ও কলেজে অনুন্নত শ্রেণীর ছাত্রদের জন্য কোন বিশেষ সুবিধার ব্যবস্থা নাই, মুসলমানদের জন্য কিন্তু আছে। আমি মুসলমান ছাত্রদের প্রতি কোন হিংসা করি না, কেননা তাঁদের সুখ সুবিধের ব্যবস্থা করার দরকার আছে। কিন্তু গভর্ণমেণ্টের বোঝা উচিত যে, তাদের মতন অনুন্নত শ্রেণীর জন্যও বিশেষ ব্যবস্থার প্রয়োজন আছে। সেই জন্য আমি মনে করি আমাদের মত নিয়ে কোন একটা স্কীম তৈরী করা উচিত ছিল। যদি, বাস্তবিকপক্ষে প্রধান মন্ত্রী মহাশয়ের অনুন্নত শ্রেণীর জন্য সত্যিকারের দরদ থাকে তাহলে তাঁকে অনুরোধ কোরতে পারি যে, এই House এর সমস্ত দলের Scheduled caste এর ভিতর থেকে প্রতিনিধি নিয়ে একটা কমিটি করুন, তাছাড়া অন্য group থেকেও শিক্ষা বিষয়ে অভিজ্ঞ লোকদের তার মধ্যে রাখুন, রেখে consult করুন। ৫ লক্ষ টাকা খরচ করবার মতন তাঁদের স্কীম নাই, করিবার ইচ্ছাও নাই। এ বিষয়ে যদি আমাদের জিজ্ঞাসা কোরতেন তাহলে বৎসরে ২০ লক্ষ টাকা খরচ করবার মতন স্কীমও দিতে পারতাম। আমাদের অভাব এদিকে এত বেশী এবং কার্য্যক্ষেত্রও এদিকে এত প্রসারিত যে, বৎসরে ২০ লক্ষ টাকা খরচ কোরলেও কিছুই অতিরিক্ত হবে না। কাজেই এ বিষয়ে আমার মনে হয়, গভর্ণমেণ্টের কিছু বদ মতলব আছে। এবং সেটা আমাদের দেখিয়ে দেওয়া উচিত। অনুন্নত শ্রেণীর প্রতি তাঁদের সত্যই যদি সহানুভূতি থেকে থাকে তাহলে আমাদের সকলকে নিয়ে consult কোরবেন। এ বিষয়ে আমি আর বেশী কিছু বোলতে চাই না, তবে এইটুকু বোলতে চাই যে, যে টাকা sanction করাতে চাইছেন এই টাকা যদি খালি Special Officer ও তাঁর staff এর জন্য খরচ হয় অথবা মন্ত্রী সভার কোন সদস্যের নিকট আত্মীয় বা পোষ্যবর্গের জন্য যদি ব্যয় হয় তাহলে আমাদের কোন উন্নতি হবে না, বা গভর্ণমেণ্টকে ধন্যবাদ দেবার জন্য কোন কিছু থাকবে না। আমি এই House এর সভ্যদের বোলছি—অনুন্নত শ্রেণীর উন্নতির জন্য যদি আপনাদের বাস্তবিক একটা ইচ্ছা থাকে—তাহলে গভর্ণমেণ্ট যাতে আর একটা ধাপ্পা দিতে না পারেন, এবং যাতে অনুন্নত শ্রেণীর শিক্ষার জন্য প্রকৃতই কিছু টাকা ব্যয় হয় সেই জন্য আপনারা এই motion সমর্থন কোরবেন।

Mr. BIRAT CHANDRA MANDAL: Mr Speaker, Sir, my scheduled caste friends opposite have declared that the Bengal Government have done a great injustice to the cause of the scheduled castes, but have they got any statistics of the educated scheduled caste men in Madras and in Bengal? It would have shown that the number of educated scheduled caste men in Bengal alone is equal to the number of educated scheduled caste men in all the provinces in India (cries of "hear, hear" from Coalition benches)

Then the next question is that they say that Madras has given 9 lakhs or 11 lakhs or something like that for the scheduled caste; but you know that until very recently the scheduled castes in Madras had not the right to walk in public thoroughfares and you know that in Madras the scheduled caste people would not get justice even in public courts, and separate courts have to be opened for them (cries of "shame, shame" from the Coalition benches). You know that the difference of Bengal and Madras is very great, so far as the scheduled castes are concerned. Sir, I would like to point out to you that Bengal Government have done a greater service than any other provincial Government in India. So far as the representation of scheduled castes in the Cabinet

is concerned, you know that we have got two scheduled caste representatives in the present Cabinet, but in all the Congress provinces the Congress claims to have a monopoly of nationalism and profess unfathomed love for the scheduled castes. What they have done? I would like to point out to you that in Madras there is only one member of the scheduled caste in the Cabinet; in Bihar they have got none; in Central Provinces they have got none; in United Provinces they have got none; and still they profess unfathomed love for the scheduled castes.

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. Is there anything like a parliamentary pose for a member to stand and address the Chair?

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. This side of the House did not interrupt when members from the other side were making ridiculous speeches. Then why should the other side interrupt when a member on this side is making a perfectly reasonable speech?

Mr SPEAKER: Order, order. Mr Shamsuddin. When I am on my legs you should have a little feeling not to shout in any way. At least I expect that much from you. My attention has just been drawn to the fact that this is the maidan speech of the member, and I hope there will be no further interruption.

Babu NARENDRA NARAYAN CHAKRABARTY: সভাপতি মহাশয়ের নিকট একটা নিবেদন জানাতে চাই। মন্ত্রী মহাশয় একটা ভুল সংবাদ দিয়েছেন যে, বেহারে কোন Scheduled castes মন্ত্রী নেই। প্রকৃত পক্ষে একজন আছেন। আশা করি সভাপতি মহাশয় তাঁর দ্বারা এই ভুল সংশোধন করিয়ে নেবেন।

Mr. BIRAT CHANDRA MANDAL: Then, Sir, they profess great love for the scheduled castes in other provinces. That is, the scheduled castes in other provinces have been allowed to take water from the wells, but such a demonstration of love is not to be found in Bengal. In Bengal the scheduled castes enjoy much more privileges than in other provinces. (At this stage there were continued interruptions.)

Mr. SPEAKER: I have already warned the House that this is the maidan speech of the member, and I hope there will be no further disturbance.

Mr. BIRAT CHANDRA MANDAL: The next thing is that in other provinces, for instance, in Bihar and Orissa they have got no Minister from the scheduled castes. (Cries of "question, question," from the Congress benches). But we have got two Ministers from the scheduled

castes. Again I would like to say that we are going to get a Special Officer for the education of the scheduled castes in Bengal, but no such project has yet been conceived of in any other province in India (cries of "hear, hear" from the Coalition benches).

Again I say that in Calcutta, Dacca, Barisal and Rajshahi, the Government have got hostels for the scheduled caste students.

Mr. SURENDRA MOHAN MAITRA: That is an absolutely incorrect statement.

Mr. SPEAKER: If there is any misstatement it is only desirable that those misstatements should be mentioned after the member has finished his speech. I hope that the ordinary convention should be observed here also.

Mr. SURENDRA MOHAN MAITRA: Will you give us an opportunity?

Mr. SPEAKER: Yes.

Mr. BIRAT CHANDRA MANDAL: I would bring to your kind notice, Sir, that this conclusively proves the depth of love of my caste Hindu friends for the scheduled caste students in Bengal. In 1917 there was a Namasudra Students' hostel in Calcutta. It was established in 1917. That means 21 years back. The hostel continued for 21 years, and my caste Hindu friends who profess unfathomed love for scheduled caste students have worked in such a way that the hostel might vanish. As for instance, the bosses of the Calcutta University have left no stone unturned in this direction. It is a matter of very great regret that the scheduled caste members had to move and approach the Education Minister for the removal of their grievances, so that the Namasudra hostel might be re-established in Calcutta. They say what is the necessity of a separate hostel for scheduled caste students because they have great love and sympathy with the scheduled caste students and they can accommodate them in their own hostels. Though they did not like to accommodate them before but now all on a sudden they are going to accommodate the scheduled caste students. We have seen a similar demonstration of their love for the scheduled castes in respect of appointments also. In matters of appointment when a candidate from the scheduled castes went for a job of Rs. 20 he would not get that, but now we understand that jobs worth Rs. 2,500 are very easy for the scheduled caste members to get. So, Sir, you can very easily understand the depth of their sincerity. They profess something but they act quite the reverse. Sir, there is the Sanskrit College; even up till the present moment the members of the scheduled castes are not admitted there. Even in their own affairs, I mean, in the Calcutta

Corporation, we find no change in their attitude towards the members of the scheduled castes. A few years back, the Corporation wanted to demonstrate their great love for the members of the scheduled castes and they picked up a man from them who supported the Congress Movement and appointed him as Inspector of Schools of the Corporation but only after a year or two, his services were dispensed with and after that, no member of the scheduled castes has been taken. A Caste Hindu has been appointed in his place. (Question, question.) Mr. Mahendra Nath Sarkar, who belonged to the Patni community, was appointed as Inspector of Schools of the Calcutta Corporation and after two years, his services were dispensed with. In his place, Mr. Hirendra Nath Sen Gupta has been appointed and that man —

Mr. SPEAKER: Order, order. I am afraid, Mr. Mandal, you are speaking irrelevantly.

Mr. BIRAT CHANDRA MANDAL: I may point out to you that when scheduled castes people seek admission in the Medical College or in the Campbell Medical School or in the Presidency College, my Caste Hindu friends who happen to be bosses there try to avoid our people by saying that there is no seat vacant or put forward some other excuse. In the Dacca University, Government have reserved several free seats for the members of the scheduled castes but the big bosses there do not allow them admission.

(Here the member having reached the time-limit resumed his seat.)

Mr. PROMATHA RANJAN THAKUR: Mr. Speaker, Sir, I rise to support the cut motion of my honourable friend Mr. Monmohan Das who has very ably put forward the claims of the Scheduled Castes so far as their education is concerned. After him, very little remains to be said. But I still like to say a few words only to bring home to the Hon'ble the Chief Minister that he has done absolutely nothing for the uplift of the Scheduled Caste in comparison with the work done in other provinces.

Sir, the Hon'ble the Chief Minister has ceased to be any more sympathetic towards the Scheduled Castes after recruiting two Ministers from amongst them. Perhaps it was in his mind that the Scheduled Castes of Bengal would be made effectively silent when they would see that two Ministers of their community had occupied some space on the exalted Treasury Bench of the Assembly House. For the last 15 or 16 months the present Ministry has been in power and during this long period the Hon'ble the Chief Minister never thought that he had any duty towards the poor uneducated Scheduled Castes. For the sake of courtesy, he came out during the last budget session with 30 thousand rupees for their education and never did the Hon'ble the Chief Minister feel ashamed of facing a crore of Scheduled Caste people with that insignificant sum.

There was great dissatisfaction among the Scheduled Castes of Bengal for the negligence the Hon'ble the Chief Minister showed towards them. He was afterwards forced to admit their legitimate claim when a cut motion for Rs. 5 lakhs was moved by my honourable friend, Mr. Monmohan Das of Mymensingh. But hitherto we have not been able to know any scheme upon which this sum would be expended. The only thing that we gather from the attitude of the Hon'ble the Chief Minister with which this sum has been granted is that the Scheduled Castes are asked to remain satisfied and not to open their mouth any more with regard to their claim during the remaining life-time of the present Assembly. The language actually used in the explanatory memorandum under the grant shows very clearly that this sum would be spent for an indefinite period extending over a number of years. The language does not show any sign that this grant is a recurring grant and is meant to be spent for the year in which it has been budgeted. If it is so, I shall be the first man to throw the grant on the floor of the House.

The Hon'ble the Chief Minister never cared to see what the Ministries in other provinces were doing for the Scheduled Castes; what vigorous attempts are being made there to stamp out the sin of untouchability by bettering their lot in every walk of their life. Very recently I had the opportunity of visiting as many as 6 provinces of India. In Madras some Rs. 11 lakhs are being spent every year. A department under the Hon'ble Mr. V. V. Giri, Minister for Labour, has been started. The Government have made school and higher education free for the Scheduled Castes (hear, hear). Many hostels have been run where the students of the Scheduled Castes get free board and lodging. In Bombay, too, the Government have got a separate department and an annual grant of Rs. 3 lakhs has been made for education and a grant of Rs. 6 lakhs has been made for rural water-supply exclusively for the Scheduled Castes. An I. C. S. officer has been appointed as a Special Officer of the department to look after the various needs of the Scheduled Castes. Higher education has been made free for them and hostels have been started where they have to pay nothing for food and lodging. Besides numerous stipends and scholarships, three State scholarships have been awarded for 3 students for studies in England. One has gone in for law, another for tannery and the third for training for education diploma. I do not want to go into detail regarding what the other provinces have done. But the only thing that I can say with all the emphasis that I command is that they are, in spite of their poor revenue, paying more attention to the Scheduled Castes than Bengal.

The other day the Hon'ble the Chief Minister said, "the Scheduled Castes have lost their conscience". I should like to tell the Hon'ble the Chief Minister that they have not lost their conscience. They have rather become conscious of the dirty tricks that the present Ministry have played on them. They have become more conscientious than

before and as such, two-thirds of their representatives in the Assembly have joined the Opposition. They placed their full confidence in Mr. Huq and blindly followed the Ministry in the hope that justice would be done to them. But their numerical strength has only been used for supporting the Ministry. Treachery has been done to the Scheduled Castes of Bengal. They wanted bread and Mr. Huq offered them stone.

Now, Sir, let me come to our two Ministers, one of whom had the audacity to claim relationship with me the other day on the floor of the House.

Mr. SPEAKER: Mr. Thakur, you must leave out "relationship" for other debates—it is not relevant here.

Mr. PROMATHA RANJAN THAKUR: All right, Sir. May I sincerely ask whether these two Ministers are serving any good to the communities they represent? In Bombay, Central Provinces, and United Provinces, nobody has been taken in the Cabinet from the Scheduled Castes, but the work for their uplift is smoothly going on. I want to tell the Chief Minister that his duty towards them has not come to an end after taking two Ministers from amongst them. We want our advancement. We do not want the luxury of mere having two Ministers. They do nothing for us. They only enjoy the thrill of being Ministers and they make others feel that they are Ministers.

Lastly, Sir, I regard the present Ministry to be a Muslim League Ministry in every respect, and, I believe, the mandate of the League is being followed by the Ministry in toto. I should like very much to say what Mr. M. A. Jinnah, the President of the Muslim League, told me some three weeks ago, when I visited Bombay. I told Mr. Jinnah in clear words that the Scheduled Castes of Bengal were being neglected by Mr. Huq. Mr. Jinnah, for whom I have got the greatest regard, said in clear terms, "The Moslems in India are in a position to put up a fight for their own demands but the Scheduled Castes not being in such a position, should get more care and attention from the Government than the Moslems." I should like to know from Mr. Huq, one of the mighty pillars of the League and a staunch follower of Mr. Jinnah, whether he has done anything for the Scheduled Castes of Bengal—a community, whose dead burden Bengal has been carrying for centuries. (Mr. ABDUL HASHIM: But who is responsible for this?) Mr. Huq has lost a chance of enthroning himself in the hearts of the Scheduled Castes.

(At this stage the speaker reached the time-limit but was allowed one more minute to finish his speech.)

Separate representation, Sir, has no meaning for the Scheduled Castes unless they can get any substantial and decent help from the Government for their all-round advancement. Five lakhs of rupees which the

Chief Minister thinks he has been so kind to grant for the Scheduled Castes, is not certainly sufficient to meet the demands of a crore of people when those people are educationally, socially and economically very backward, and unless a separate department of the Government is created with a big annual grant entirely for the Scheduled Castes as they have done in Bombay and Madras I do not think they can remain satisfied. The grant of Rs. 5 lakhs should be made an annual grant and a special advisory board consisting of members of Scheduled Castes and others should be immediately formed to formulate a scheme on which this sum could be expended, for the spread of education among the poor Scheduled Castes. With these words, Sir, I conclude my speech.

Mr. SANTOSH KUMAR BASU: Sir, we have heard a most unmaidenly maiden speech and we do not want to hear any more speeches on this subject

Mr. SPEAKER: I understand that it is the desire of the Opposition that the debate should be concluded now, but if members of the Scheduled Caste still want to speak on this motion, it will be very difficult for me to close the debate at this stage. I have had before this not much of an intimation as to the arrangement of speakers for today. If I had received any such intimation, I could have made an arrangement with the Government as regards the time-table. Mr. Jogesh Chandra Gupta intimated to me their arrangements only at midday today and I could not, therefore, communicate with Government. But in view of the fact that there are still members of the Scheduled Caste who want to speak, unless there is an agreement among them, I do not know how I can stop the debate now. I called on the Chief Minister to speak and it seems that he is not willing to speak now. I do not know what is to be done and I am absolutely at the hands of the House.

The Hon'ble A. K. FAZLUL HUQ: I would rather wind up the debate, Sir, so I should be the last to speak

Dr. NALINAKSHA SANYAL: May I move that the question be now put?

Mr. SPEAKER: You are too late

Dr. NALINAKSHA SANYAL: But, Sir, it can be moved at any stage.

Mr. SPEAKER: Well, Mr Mullick are you going to speak?

Mr. PULIN BEHARY MULLICK: Sir, I am trying to speak but I find myself in the midst of interruptions. Sir, I would like to be very brief in a matter like this, because this matter was thoroughly discussed in the last budget session. My hon'ble friend Mr. Monmohan Das himself brought in this matter in the last budget session and this House had ample opportunity of discussing this matter and I think that it is quite fresh in the minds of the members of this House. It is very curious to-day that the same hon'ble member has brought it and has discussed this very matter in a very different light from the light which was put on it in the last budget session. Therefore, Sir, I am very curious about it, or rather, I am very much surprised at his performance. Sir, my learned friend has brought in a lot of extraneous matters in this discussion and I would not like to take the time of the House in replying to all the items that he has been pleased to put forth today, but the most important item that he has brought to the notice of this House is the want of a scheme. That has been his complaint, Sir—that there is no scheme before Government. With regard to the expenditure of this large sum of money, that is his complaint today. With regard to this, I would like to say that this sum of Rs. 5 lakhs and 35 thousands which is going to be sanctioned to-day—the Government in the last budget session was pleased to accept this very suggestion that was put forward by Mr. Monmohan Das himself. That suggestion was accepted in the last budget session and today, again, the same sum is going to be sanctioned for the Scheduled Caste, but Sir, curiously enough, my learned friend is now standing in the way of this grant being made. With regard to the scheme, about the lack of which he has complained, well, Sir, a scheme can be formulated. As my learned friend Mr. Tagore—(Mr. PRAMATHA RANJAN THAKUR: I am not Tagore, but Thakur.) Well, Sir, I stand corrected. As Mr. Thakur has suggested, we can sit round a table and we can formulate a scheme if there is a desire to formulate a scheme at all.

With regard to the treatment that is being meted out to us for generations together by the Caste Hindu people, that is quite fresh in our minds. (Mr. DHIRENDRA NATH DATTA: Not the treatment meted out by Government.) Well, it is no use talking all that. We know what sort of treatment we are receiving in our daily life. We know the treatment that we receive from Caste Hindus; we know that and that has been our experience and the sum total of our experience for generations together. It is no use talking of that, for one is apt to lose one's temper when one thinks of the sum total of the grievances and difficulties and the insults and assaults committed upon us—of the Scheduled Caste. Therefore, I refrain from going into that matter lest I should be apt to lose my temper. (Dr. NALINAKSHA SANYAL: No, no, don't lose it.) No, I have not lost my temper as yet. My friend Mr. Birat Chandra Mandal has given a few instances.

but it is no use giving instances because we know what they are. We feel them; that is our daily experience; so I refrain from going into these instances and multiplying them. I think therefore that this budget should be smoothly passed and that no impediment should be thrown in its way.

Dr. NALINAKSHA SANYAL: I move that the question be now put.

Mr. SPEAKER: The Hon'ble the Chief Minister will now reply. After that I will put the closure-motion

Mr. ATUL CHANDRA KUMAR: Sir, with your permission I would like to speak, for there are certain matters which should be brought before the House, and as I was late in coming, I could not put them up before the House in time

Mr. SPEAKER: If this disturbance goes on, I shall have to put the closure-motion even now.

The Hon'ble Mr. A. K. FAZLUL HUQ: But, Sir, that will shut me out.

Mr. SPEAKER: That will not be my fault, for I have asked you for the third time to speak, but you are not doing so Therefore I must put the closure-motion now.

The Hon'ble Mr. A. K. FAZLUL HUQ: All right, Sir, I shall speak now.

Sir, years ago, when I was a boy at school, I remember having read one of the greatest of English poets of whose lines I am now reminded and which I can repeat for the consideration of the House The poet says the poet is Wordsworth not our friend, Mr. Wordsworth, here—but Wordsworth, the poet

> "I've heard of hearts unkind, kind deeds
> With coldness still returning,
> Alas; the gratitude of men
> Hath oftener left me mourning."

I have heard with patience and with a certain amount of attention the speeches delivered by my friends, Mr. Monmohan Das, Mr Thakur and Mr. Biswas and I was forcibly reminded of the proverb that it is not uncommon that certain animals are goaded to bite the very hand that feeds them. Now, Sir, for them in this Assembly to question my earnestness and my solicitude for the uplift of the Scheduled Castes has

been not merely a surprise to me but one of the most unkind things that could have been said about me. In my young days, I used to mix freely with the students of all classes and of all communities, and one of the companions of my youth was a Scheduled Caste student,—a relation of one whose memory I still cherish as a great philanthropist,—a relation of Bhegai Haldar of my district. I have had always in my mind the solicitude for the Scheduled Castes and other backward classes along with the consideration for the uplift of my own community, and I can solemnly say that wherever I have been and whatever I may have been, in all the ups and downs of my life, in all my trials and tribulations, I have never wavered in my loyalty to the cause of the uplift of those whom Providence has rendered helpless and unable to look after their own interests. And whenever I have thought of Moslem students, I have also thought of students of the Scheduled Castes and all other backward communities. It is all very easy for political purposes to deliver speeches and question the sincerity of my motives. I certainly said when that motion was moved, at the time of the Budget that I would provide the sum in a supplementary budget. Common sense ought to have told members of the Opposition who are disposed to question my motive that no expenditure could be incurred unless a sum was provided for in the budget. The first opportunity I got was when this Assembly began its session on the 29th July, and one of the first things I did was to provide for this demand of Rs. 5 lakhs in redemption of the solemn pledge which I gave to the House to bring forward this demand. And how have I done it? Not that by any kind of excuse I may not spend this money for the education and uplift of the Scheduled Castes, what I have done is that with the approval of the Auditor-General the sum will be transferred to a deposit account so that any unexpended balance may not lapse. The five lakhs are there. I have appointed a Special Officer, Babu Rajkumar Das of the Senior Educational Service who has already been selected for the post of Special Officer for the Education of the Scheduled Castes. And I have also got ready an Advisory Committee to advise me in matters relating to the education of the Scheduled Caste. It is not for me to frame a scheme. We all know that unless schemes are properly framed and approved by the Finance Department, it is impossible to spend any money. If you can furnish schemes for Rs. 5 lakhs, money will be spent, and if necessary, as I have said, more will be spent, because the education of the boys of the Scheduled Castes as well as of the other minorities must necessarily be the first charge on public revenue.

Now, Sir, I will say, with reference to the speech of my esteemed friend, Mr. Biswas, that I am ready to sit any day that will be convenient to all concerned with the members of the Scheduled Castes and with as many others as they may suggest—with a view to discussing

what are the schemes which they want us to finance. I am not shirking my responsibility in the least. Give me an opportunity of doing what I can for you before you condemn me. But do not come out with your condemnation for political purposes, do not thwart me in my attempt towards attaining that object. It does not matter to me whether this demand is carried or it is defeated. If it is not carried, well, the money will not be there; and I give this warning to my friends of the Scheduled Castes that if they allow themselves to be made a catspaw for political purposes and they vote down this demand, the responsibility will be theirs, because I will not take it as a vote of no-confidence. It does not matter to me whether this House votes this demand or not. I promise that I will give it to you, and it is for you to determine whether you will accept my offer or not. If you say, no, the matter ends there. If you say, yes, I shall try to do all I can to help you. I make the position absolutely clear. Let not any one be carried away by enthusiasm, by some manoeuvre that if they can defeat this motion, Government will be defeated. Government will not be defeated; I will not take it as a defeat, but I will take it as an indication that the Scheduled Caste people do not want this money, they do not want this expenditure to be incurred for their education.

Now, Sir, I will not waste the time of the House, but I shall make only one more remark. We in Bengal hear praises of Madras, of Bombay and of the United Provinces. This is the characteristic of the Bengalee. The Bengalee sees good in everything except what is good in Bengal. If the sugarcane is long and big, it is called Bombay sugarcane, although it does not grow in Bombay (RAI HARENDRA NATH CHAUDHURI: Your department says that.) Yes, Yes! Similarly, people in Bombay, people in Madras and people in the United Provinces are happy, and it is we who are groveling in misery; Bengal has not prospered. What about the other provinces? Go to the rural areas and you will find that every cultivator has got a two-storeyed house to live in, he has got electric light to illuminate it; there, rivers are flowing with milk and honey: that is the condition of things in all the Congress Provinces! But here it is darkness and ignorance all around!

Now, Sir, do my friends realise that all this expenditure for Scheduled Castes in Bombay and Madras is to the discredit of the caste people and really a certificate to the way of sympathy of caste people towards the Scheduled Castes? Why is it that in Bombay they have got to spend Rs. 2 lakhs for sinking wells for Scheduled Castes? It is because the caste people will not allow them to touch the water from their wells. It is therefore necessary for the Governments there to have wells dug for Scheduled Castes only. If we find here again that the caste Hindus will not allow them to touch the water from their wells, we will sink wells for them also. Why is it

necessary for them to have schools for Scheduled Caste boys only—because the caste Hindus will not allow their children to sit side by side with the Scheduled Caste children.—on account of the Brahmin and non-Brahmin question in Madras. Luckily, Sir, I have got in my pocket a letter which I got this very morning congratulating me and the Government on our victory. There is only one paragraph:

> "Communalism of the worst type is raging rampant in Madras for the last one year and more, not only in matters of appointment, but throughout the whole administration. Criminal Law Amendment Act against which the Congress cried itself hoarse for years past, is the order of the day in our Congress regime in Madras. It is therefore an irony of fate that the Congress which is riding roughshod literally over the individual liberty and freedom of speech in this province, and freely clapping in jail innocent Satyagrahis in hundreds should have moved earth and heaven to table not one but 10 motions of no-confidence all in the name of nationalism."

Mr. SANTOSH KUMAR BASU: Who is the writer?

Dr. NALINAKSHA SANYAL: One of those disappointed men.

The Hon'ble Mr. A. K. FAZLUL HUQ: The letter will be printed, and it will be sent to the press if you want it.

Mr. SANTOSH KUMAR BASU: We have had enough of these letters.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, am I to speak of these men on my left?

Mr. SANTOSH KUMAR BASU: Mr. Speaker, what is "these men"? He must not speak in that way.

Mr. SPEAKER: Order please, Mr. Basu. I think I gave a decision times without number that the Leader of the House and the Leader of the Opposition are entitled to uninterrupted attention and I find that while yesterday the Leader of the Opposition was heard with rapt attention, you are not extending the same courtesy to the Leader of the House. I hope I will not have any occasion to say any more. If there is any occasion for getting any information, or if any statement is to be made, let the speech be over, and I will give you full opportunity to ask for information.

Mr. SARAT CHANDRA BOSE: May I remind you, Mr. Speaker, that time and again the Leader of the Opposition has had to answer questions while he was on his feet?

Mr. SPEAKER: But his voice was not drowned.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Mr. Speaker? Is it not parliamentary practice to state the authority of any paper which is read out on the floor of the House? If that is so, could you please direct the Hon'ble the Chief Minister to either give the details of the whole letter or at least have the courtesy to give the name and the address of the person who has written it?

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. May I remind you, Sir, that only in this morning's papers a ruling of Sir Abdur Rahim has been reported where extracts were being read by the Defence Secretary the opposition insisted that the whole writing from which extracts were being read should be placed at the disposal of the House, and Sir Abdur Rahim in spite of objections from Government Benches upheld that contention.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I am prepared to send this letter round to be read by everyone provided it is returned to me.

Dr. NALINAKSHA SANYAL: Read the name. Otherwise we take it as an anonymous letter.

Mr. SANTOSH KUMAR BASU: The same game over again.

The Hon'ble Mr. A. K. FAZLUL HUQ: I hand it over to the Speaker to see whether it is anonymous or not. (The letter in question was handed over to Mr. Speaker.)

Mr. SPEAKER: Why don't you mention the name?

Dr. NALINAKSHA SANYAL: Does not know the name perhaps.

The Hon'ble Mr. A. K. FAZLUL HUQ: You will say next that the man perhaps does not exist.

Mr. SPEAKER: If you have no objection, you can give the name. You can read the name if you like as to who has written it.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no objection.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, I heard the Chief Minister saying in an undertone that the man has not given the name. Is that a fact?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, I said perhaps the man does not exist. The gentleman's name is Khan Bahadur P. Khalilullah, M.A., B.L., M.L.A., Advocate and ex-Minister, Madras.

(At this stage there was continued laughter and noise from the Opposition Benches.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Because he is a Muhammedan, all these jeerings.

Mr. SPEAKER: Order, Order. I am afraid that when there is a demand from this side of the House for the name and when the name is given out, it was only fair that the Hon'ble the Chief Minister's voice should not be drowned while he is reading out the name and address.

Mr. NIHARENDU-DUTTA MAZUMDAR: Mr. Speaker, Sir, may I inform you that we heard distinctly and clearly every word that the Hon'ble the Chief Minister has uttered, and had his voice been drowned we would have been unable to hear.

Mr. M. A. H. ISPAHANI: We have not heard the Hon'ble the Chief Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ. Now, Sir, in comparing the special allotments for scheduled castes in different provinces, it should be remembered that their position is not the same in all the.

Dr. NALINAKSHA SANYAL: May I move that the question be now put? I am afraid at 6-30 the guillotine will fall and we have other items to take up.

Mr. SPEAKER: While it is open to any member to move the closure at any moment in the midst of a speech, it is for the Speaker to consider whether it should be accepted or not. I do not think I should accept it in the midst of the speech, but I would ask the Hon'ble the Chief Minister to finish his speech within two or three minutes.

Mr. FAZLUR RAHMAN: May I draw your attention to the convention of this House that when the Leader of the House and when the Leader of the Opposition make their speeches, the motion "that the question be now put" should not be moved. That is the convention, and that is the courtesy shown to the Leader of the House and the Leader

of the Opposition. May I appeal to you, Sir, as you are the custodian of the dignity of the House, that you will maintain that convention, and you will not allow such motions to be moved in future?

(Dr. Nalinaksha Sanyal: Rising in his seat—)

Mr SPEAKER: Order, please, Dr. Sanyal. It is not possible for any Speaker in any country in the world to establish any convention without the help of the members. I think it is up to every one of you to try to establish the convention which has been pointed out by Mr. Rahman, namely, that during the time the Leader of the House or the Leader of the Opposition speaks, a closure should not be moved in the midst of his speech. Of course, it is technically open to them to do so, and I cannot compel them not to do so. Mr. Fazlul Huq, will you kindly finish your speech in two minutes?

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, there are provinces in which, as I have said, members of the Scheduled Castes do not enjoy the ordinary privileges of citizenship. It has been said that they have allotted Rs. 35,000 in Bombay. Sir, we have also allotted Rs. 35,000 for the Scheduled Caste boys along with a provision for over 3 lakhs of rupees for scholarships. But the Rs. 35,000 in Bombay has been provided as scholarships for the depressed classes, namely, scheduled castes and other minorities. In Madras, for example, provision has been made for separate drinking-water wells, pathways, burial grounds and such other matters for harijans including lands. The total amount to be spent on special activities for harijans amounted to 9 lakhs of rupees in 1936-37 and the provision has been raised to Rs. 11 lakhs for 1938-39. The increase of two lakhs of rupees is due to the fact that they have to provide separate wells, pathways, burial grounds, etc., for which there is fortunately no need in this province.

In the United Provinces a new provision of Rs. 50,000 has been made for the education of the depressed classes, Rs. 5,000 for Harijan Seva Sanga, and Rs. 5,000 for a building for harijans.

Compared with this in Bengal we have, in addition to what has been provided for in the past year made, an additional provision for scheduled castes in 1938-39 of Rs. 58,360 making a total figure of Rs. 1,77,000. Therefore, Sir, the position is this. We have this year made provision for Rs. 1,77,000 in addition to the Rs. 5 lakhs for which I want to have provision made in the supplementary budget. I have appointed a Special Officer, and I am soon going to appoint a Committee of Scheduled Caste members to advise me on questions of scheduled castes education.

Now, Sir, as for the suggestion made by Mr. Biswas, I am also prepared to call a conference of the members in order to advise me as to the best way for spending this money. If more money is required, more will be given.

Lastly, Sir, if there is voting, I shall certainly note how many of the scheduled caste members have gone over to the side of the Opposition and I will note how many of the 31 scheduled caste members have voted for the grant. If the majority vote for the Opposition I will interpret it to mean that they do not want any provision to be made in the budget.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, the Leader of the House has again and again said that the voting will mean that the scheduled caste members do not want 5 lakhs of rupees. Is that fair and proper, Sir? On the other hand, on the Opposition we have said that 5 lakhs of rupees must be spent annually.

Mr. SPEAKER: The question before the House is that the demand of Rs. 5,35,000 under the head "Grant No. 19—Education" be reduced by Rs. 100 (to raise a discussion about the time and the manner in which the amounts provided are proposed to be spent).

The motion was put and lost.

Mr. SPEAKER: I hope no other motion is going to be moved on this demand.

The question before the House is that a sum of Rs. 5,35,000 be granted for expenditure under the head "37—Education—General" during the year 1938-39.

The motion was then put and agreed to.

Opposition's Right to Control Debate.

Mr. SPEAKER: May I know, Mr. Gupta, which motion you want to take up?

Mr. JOGESH CHANDRA GUPTA: Sir, the Opposition has a right to control the debate and I intimated to you a time-table but since the other side has taken all the time available to the Opposition, I do not know whether it will be at all possible for us to do justice. At any rate, Mr. Speaker, having regard to the fact that the grant regarding gratuitous loans and gratuitous relief is a very important matter I hope, Sir, a time will be allotted, if it is guillotined, to give an opportunity to the House to discuss that very important matter.

Mr. SPEAKER: As regards this, I might say that I have all along been trying to follow the convention that so far as the budget demands are concerned, the Opposition should have the right to choose the manner in which the debate should be initiated and conducted, but that means that the Opposition must give the fair notice, but, unfortunately,

the notice came to me at 11 or 12 this morning, and I have had no time to communicate to the Finance Minister or the department concerned. Even if I had got the notice yesterday, I could have communicated it in proper time, but within the short time at my disposal it was not possible for me to do so.

Mr. SARAT CHANDRA BOSE: May I say one word with reference to the observation that fell from your lips? If, as you have said, the Opposition have a right to control the debate, does it matter at all whether the Government have five or ten hours' notice?

Mr. SPEAKER: Mr Bose, you are speaking as if you are arguing in a law court. What I mean to say is that the Opposition has a large say in controlling the debate, but if their decisions come at the last moment and they suddenly confront everybody with the fact that a particular motion will be taken up, then it will be unfair to the other side, because it is not a fair notice. We have been trying to arrive at a settlement in consultation with the members and Leaders of different groups. That being so, it is only right to consider what they say as to how the debate should be taken up, but unless it is a matter mutually agreed to, I have no hand in the matter.

Mr. SARAT CHANDRA BOSE: On that point, may I remind you that you have ruled on previous occasions that the Opposition view should prevail?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I point out one thing, Sir? As far as the initiation of the debate on cut motions is concerned, the Opposition has certainly got every right to initiate it, but once a debate has been initiated it should be a fair debate, and when the question of a special community is raised then those members who belong to that community should get preference. I do not think that control of the debate means that the discussion should be curtailed or that members should not get any opportunity to discuss the matter fully.

Mr. SPEAKER: Any way we will take up that matter later on.

Mr. JOGESH CHANDRA GUPTA: It is only right that the Opposition should be allowed to control the debate.

Mr. SPEAKER: Hon'ble Mr. Sarker, will you please move your motion?

"Loans and advances by Provincial Government."

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 30,00,000 be granted for expenditure under the head "Loans and advances by Provincial Government" during the year 1938-39.

Mr. SARAT CHANDRA BOSE: Before there is any speech, may I enquire of the Hon'ble the Finance Minister whether it is possible to grant any gratuitous relief out of the sum of Rs. 30,00,000?

The Hon'ble Mr. NALINI RANJAN SARKER: Not out of Rs. 30,00,000, but under a separate head.

Mr. SARAT CHANDRA BOSE: Under what head?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I just explain that so far as gratuitous relief is concerned, no demand is necessary. We can give gratuitous relief from the Famine Insurance Fund.

Mr. SARAT CHANDRA BOSE: My question was under what head it will be given.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the honourable member will have patience to listen to me, I will explain. For gratuitous relief no separate demand is necessary. We can always spend out of the Famine Insurance Fund which is a non-voted item.

Mr. SARAT CHANDRA BOSE: May I enquire of the Hon'ble the Revenue Minister as he has got up to answer, whether the Government have come to a decision as to the amount of money that they are prepared to spend on this account?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government propose to spend at least Rs. 6,00,000.

Mr. SARAT CHANDRA BOSE: Does that mean for the whole province?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, only for the affected areas, but that is by no means the maximum amount. If necessary, Government are prepared to spend any amount.

Mr. SARAT CHANDRA BOSE: Is there any maximum prescribed by Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have just mentioned that there is no maximum limit. If the Leader of the Opposition is anxious for the information, I may tell him that Government have come to a provisional decision in this matter, and as at present advised they think that six lakhs of rupees would be sufficient. If more money is required, Government would be prepared to sanction that.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Revenue Minister be pleased to state to the House as to which districts this Rs. 6,00,000 have been allotted?

Mr. ABDUR RAHMAN SIDDIQI: Sir, is it allowed under the rules to have this sort of cross-questions?

Mr. SPEAKER: Ordinarily not. (At this stage there was a shout from the Congress benches.) Order, order, I would appeal to Mr. Bose that when a question is put and raised, it will be difficult for me to answer it if there is a shout from my left.

Ordinarily cross-questions are not allowed. But, in the particular circumstances, as there is no time for speeches to be made and as a section of the House is almost unanimous that flood questions should be discussed in connection with the supplementary demand, I have allowed the Opposition to put questions. Whether the Hon'ble the Revenue Minister wants to answer those questions, it is for him to say.

Mr. M. SHAMSUDDIN AHMED: You know very well, Sir, there are two adjournment motions about these flood questions. You reminded the House at the time when the question of relief was discussed that the House will have ample opportunity to discuss it.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Revenue Minister be pleased to state whether Government have decided as to which districts this sum of Rs. 6,00,000 should be allotted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: To the districts that are affected, namely, practically all the districts of the Rajshahi Division excepting Darjeeling and Jalpaiguri, three districts in the Dacca Division, namely, part of Mymensingh, part of Dacca and part of Faridpur; and in the Presidency Division Murshidabad, part of Nadia, part of Khulna and part of Jessore.

Mr. SARAT CHANDRA BOSE: For all these districts only Rs. 6,00,000 will be spent?

The Hon'ble Mr. NALINI RANJAN SARKER: For the present.

Mr. SPEAKER: I understand that nobody is going to speak on this demand.

Mr. JOGESH CHANDRA GUPTA: Where is the time, Sir?

Mr. SPEAKER: The question before the House is that a sum of Rs. 30,00,000 be granted for expenditure under the head "Loans and advances by Provincial Government" during the year 1938-39.

The motion was then put and agreed to.

"Agriculture—40."

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 50,000 be granted for expenditure under the head "40—Agriculture" during the year 1938-39.

Mr. SPEAKER: The question before the House is that a sum of Rs. 50,000 be granted for expenditure under the head "40—Agriculture" during the year 1938-39.

The motion was then put and agreed to.

"Civil Works—50."

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 50,000 be granted for expenditure under the head "50—Civil Works" during the year 1938-39.

Dr. NALINAKSHA SANYAL: Sir, I would just like to ask a few questions as there is no time to move cut motions or deliver any speech. I would like to know whether Government have already come to any decision about the reappropriations and whether it is a fact that the reappropriations referred to in the explanatory memorandum over such items as one lakh of rupees out of the provision of one lakh and fifty thousand rupees for works in connection with the removal of the head-quarters of the Noakhali subdivision to Maijdi in the district of Noakhali; Rs. 1,40,000 out of the provision of Rs. 2,86,076 for a scheme for provision of adequate nursing in the Campbell Hospital and erection of wall; Rs. 50,000 from the provision of Rs. 1,00,000 for a climatic sanitarium for tuberculosis (Building), and Rs. 50,000 from the provision of Rs. 1,00,000 for quarters for the Sub-Registrar, Alipur Duars. That is the first question I would like to have a reply to.

My second question is—

Mr. SPEAKER: Dr. Sanyal, just give the Hon'ble Minister time to reply to your first question.

Dr. NALINAKSHA SANYAL: Sir, I have got only two questions to ask, and I would like to put them first. My second question is whether Government have actually written to the Calcutta Improvement Trust for acquisition of approximately 347 cottahs and 7 chattacks of land for a lump sum of Rs. 5,40,000. And this amount of Rs. 50,000 has already been earmarked in the sense that even after the Rs. 5,00,000 referred to have been provided for in the reappropriation there remains a sum of Rs. 40,000. Government are already committed to it even before taking the opinion of the House.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I have got to answer these questions. My friend has already tabled questions of this very character, to which I have given replies and which will come up before the House in due course. But if he wants an answer now I will give it.

As regards the application to the Calcutta Improvement Trust for purchase of land, it is true that the Government have applied for such land, but it is not without the assent of the House. The House will remember that during the last budget there was a demand of Rs. 2,00,000 for establishment of the proposed college. At that time the idea was to utilise some land already in the possession of Government for this purpose and spend Rs. 2,00,000 for building purposes. But it was found out afterwards that that land was insufficient for the big scheme and therefore purchase of the land would be necessary for this purpose. We made enquiries of the various spending departments if they could spare money this session and many of the departments have given us information as to the amount of money that they would be able to spare but there are others who have not yet replied, so it is not yet definitely known if all these amounts would come up to Rs. 5 lakhs which we want. Then, Sir, these departments may want to spend the money for their own purposes. So if the full amount cannot be found, we will have to wait for the Budget session in March for it.

Dr. NALINAKSHA SANYAL: May we know how the money is going to be spent?

The Hon'ble Mr. A. K. FAZLUL HUQ: Rs. 5,50,000 will be spent for the land. The building scheme is not yet ready and I am not in a position to give any idea about it. The scheme is being prepared. Rs. 2 lakhs already budgeted for will be utilised as the first instalment.

Mr. SARAT CHANDRA BOSE: May I take it that this college will not be reserved for a particular community but will be open to all communities?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is—

Mr. SPEAKER: Under the rules, I cannot allow you to speak any more. I must now put the original motion.

Mr. SPEAKER: The question before the House is that a sum of Rs. 50,000 be granted for expenditure under the head "50 Civil Works" during the year 1938-39.

The motion was then put and agreed to.

Mr. SPEAKER: The Hon'ble Chief Minister may now reply to Mr. Bose if he likes.

The Hon'ble Mr. A. K. FAZLUL HUQ: The idea is to have all the Muslim educational institutions for females in one place, but so far as the college is concerned, if there are not sufficient number of Muslim girl students, non-Muslim students will be allowed, that is to say, in the matter of affiliation, we will not have the college restricted to any particular community; but I may tell the House that the number of girl students belonging to the Muslim community who have passed the Matriculation Examination this year is nearly 80 and the likelihood is that all the available seats in the college will be filled up by girls of the Muslim community.

Assent of His Excellency the Governor to the Bengal Tenancy (Amendment) Bill, 1938.

Mr. SPEAKER: Ladies and gentlemen, I have great pleasure in announcing that His Excellency the Governor in the name of His Majesty has given his assent to the Bengal Tenancy (Amendment) Bill, 1938. (Loud cheers from the Coalition Benches.)

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 17th August, 1938, in the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 17th August, 1938, at 4.45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 222 members.

STARRED QUESTIONS

(to which oral answers were given)

Rajshahi Agricultural Farm.

*89. **Maulvi MANIRUDDIN AKHAND:** Will the Hon'ble Minister in charge of the Agricultural and Industries Department be pleased to lay on the table a statement showing, year by year, for the last three years—

(a) the receipts and expenditure of the Rajshahi Agricultural Farm; and

(b) the names of the officers in service in the farm with their designations, duties, functions and salaries?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) A statement is laid on the table.

(b) A statement is laid on the Library table.

Statement referred to in reply to clause (a) of starred question No. 89.

RAJSHAHI AGRICULTURAL FARM.

Receipt.

1935-36.

	Rs.	a.	p.
Cash ..	2,810	4	3
Book transfer adjustment .	Nil		
Stock transfer ..	1,518	11	3
	4,328	15	6

Expenditure.

	Rs.	a.	p.
Pay and allowances of the staff	6,720	1	0
Contingent expenditure ..	5,035	4	6
	11,755	5	6

Receipt.		Expenditure.	
1936-37.			
Cash	2,911 11 0	Pay and allowance of the staff.	5,862 9 0
Book transfer	357 1 0	Contingent expenditure	5,896 13 6
Stock transfer	1,301 5 0		
	4,279 1 0		11,759 8 6
1937-38.			
Cash	2,270 8 6	Pay and allowances of the staff.	[illegible] 0 0
Book transfer	15 10 3	Contingent expenditure	5,513 0 0
Stock transfer	306 1 9		
	2,592 4 6		10,632 0 0

Unemployment among educated middle class young men in Bengal.

*90. **Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether he is aware of the existence of unemployment among a large section of educated middle class young men in the province?

(*b*) Are the Government considering the desirability of taking any steps for better distribution of wealth and resources with a view to remedying unemployment?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) I regret that I have to admit that the answer should be in the affirmative.

(*b*) Ever since the present Government came into office the question of remedying unemployment has been engaging our serious attention. Whether this object is to be achieved by controlling distribution of wealth and resources, or by other means is obviously a question of method, on which opinions do not agree. The whole issue is mixed up with other issues of a complicated character and requires careful investigation before any definite conclusions can be arrived at. Government have, therefore, appointed an officer to consider the question of unemployment and the officer selected is a young member of the Indian Civil Service, who has had exceptional training in this respect in England and had a brilliant career in the Calcutta University in these subjects. Government hope that very soon the question of unemployment will be satisfactorily tackled in Bengal.

Dr. SURESH CHANDRA BANERJEE: বিদেশী শাসন ও শোষণের ফলে আমাদের দেশীয় শ্রমশিল্প ধ্বংস হওয়ায় বর্ত্তমানে বেকার-সমস্যা এইরূপ বিকটাকার ধারণ করেছে,—মন্ত্রী মহাশয়, একথা স্বীকার করেন কি?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether Government have any ideas of their own or whether they are merely waiting for the scheme to be submitted by this officer?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: We are awaiting the scheme which this officer will submit.

Mr. NIHARENDU DUTTA-MAZUMDAR: Will the Hon'ble Minister please state what steps Government have been contemplating taking during the last 16 months for the purpose of solving this problem of middle-class unemployment?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If the honourable member would carefully read the statement which I have laid on the table, he would find out what steps Government have already taken in the matter.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state whether it is a fact that Governments in the different provinces of India intend holding a conference at which to deliberate over this unemployment problem?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware, it was proposed to have a conference held at Simla (which unfortunately could not be held), but at any of these conferences the Government of Bengal will always co-operate with other provincial governments in solving this problem of unemployment.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of appointing a committee to examine this question?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, Government have appointed an officer, and as soon as his report is submitted, then Government will think of appointing a committee to go over this question.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state at what time this officer was employed and what progress has been made during this time?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The officer has been appointed only just lately.

Mr. SASANKA SEKHAR SANYAL: The other portion of this question has not been answered, Sir, namely, as to what progress has been made.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, as I have already said, the officer has been only lately appointed and naturally no progress has yet been made.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister please state what are the directions and terms of reference that have been laid down for this particular officer in regard to this matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister please state if any direction has been given or any suggestion has been made or any policy has been laid down by Government to this particular officer for solving this problem of unemployment by distribution of wealth and by exploring other resources?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Certain directions have been given to this officer.

Mr. SURENDRA NATH BISWAS: Sir, the last sentence of the Hon'ble Minister's answer is that Government hope that very soon the question of unemployment will be satisfactorily tackled in Bengal: will the Hon'ble Minister please state what is the basis of this hope that the problem will be satisfactorily tackled?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Well, Sir, all the world hopes for better things.

Mr. SANTOSH KUMAR BASU: The Minister is in a philosophic vein to-day.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, I am always an optimistic prophet.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state what is the exact standard by which to distinguish between "educated" and "uneducated" unemployment?

Mr. SPEAKER: How does that question arise? The question does not seem to be relevant.

Mr. ABDUL WAHAB KHAN: The subject-matter is unemployment among the educated middle-class; will the Hon'ble Minister please state what is exactly meant by the word "educated" here? Up to what standard of education is the education meant here?

Mr. SPEAKER: Well, you look to the answer, and you will know. That question does not arise.

Mr. NIHAREKDU DUTTA MAZUMDAR: Is it a fact that Government have so far taken no step during the course of the last 18 months beyond recently appointing a young Indian Civil Servant as a Special Unemployment Officer?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have already stated that Government have taken certain steps and if the honourable member will please read the statement which by the kind permission of the Speaker I have placed before the House, he will find everything there.

Maulvi ABU HOSSAIN SARKAR: What is the reason of selecting a young member of the Indian Civil Service instead of an experienced member?

Mr. SPEAKER: That question does not arise.

Discretionary fund at the disposal of the District Magistrate of Rajshahi.

*91. **Maulvi MANIRUDDIN AKHAND:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay a statement on the table showing for each year from 1933 to 1937—

(a) the sum paid by the Bengal Government as discretionary fund at the disposal of the District Magistrate, Rajshahi;

(b) the sum spent by the District Magistrate in those years for Rajshahi Sadar, Natore and Naogaon subdivisions; and

(c) the purposes for which the sum was spent in those subdivisions?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): A statement is laid on the library table.

Relief to motor car owners of the D. I. F. Department in Darjeeling.

*92. **Mr. DAMBER SINGH GURUNG:** (a) With reference to the reply to starred question No. 177 of the 10th March, 1938, and to the supplementary question put by Dr. Nalinaksha Sanyal in connection with the "relief to motor car owners of the D. I. F. Department", in Darjeeling, will the Hon'ble Minister in charge of the Revenue Department be pleased to state what relief the Government have given to them?

(b) If relief has not been given already, how long will the Government take to do this?

(c) Are the Government aware that the motor car owners are being daily pressed for the payment of this toll?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Orders have already been issued abolishing the levy of tolls on motor vehicles, etc., passing over the roads connecting with the D. I. F. *hats*.

(b) and (c) Do not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government are considering the desirability of taking action on, and in respect of, the other grievances?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I know what are the "other" grievances are?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Kalimpong motor cars that have to pay a heavy contribution to the D. I. Fund are not allowed to ply in the whole of the Darjeeling district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as I am aware, an additional tax used to be levied on motor cars which used to ply on the roads for contribution to the D. I. Fund and that additional toll has been abolished.

Dr. NALINAKSHA SANYAL: Is it an information to the Hon'ble Minister that Kalimpong motor cars, which are registered under the same Act and have to pay a tax under the same conditions as the Darjeeling motor cars, are not permitted to ply between Siliguri and Darjeeling?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Cattle fee for the Mungpoo Cinchona Plantation.

*93. **Mr. DAMBER SINGH GURUNG:** (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that the Mungpoo Cinchona Plantation has been allowed to charge annas 4 per head of cattle as cattle fee not as grazing fee;

(ii) that there is no grazing land set apart for this purpose; and

(iii) that there is nothing laid down in the lease granted to the tenants?

(b) Are the Government aware that this matter has been brought to the notice of the district authority?

(c) What action are the Government going to take in the matter?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (a) (i) A monthly grazing fee of annas 2 per head of cattle and annas 4 per head of buffalo, calves under six months being excluded, is charged. The payment of this grazing fee entitles the tenant to graze his cattle on lands other than those leased out to him, subject to the control of the manager of the plantation.

(ii) Yes.

(iii) Yes, but there is no provision in the lease which gives the tenant any right to graze cattle or collect fodder on Government lands in the plantation, other than those leased out to him.

(b) Yes.

(c) The matter is under enquiry.

Condition of Satkhira subdivision due to floods.

*94. **Mr. SYED JALALUDDIN HASHEMY:** (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) of the condition of Satkhira subdivision of Khulna district on account of the recent floods due to excessive rains;

(ii) that almost the whole of the Satkhira subdivision has been submerged by flood; and

(iii) that considerable damage has been done to both jute and *aus* paddy, the staple crops of the area?

(b) If the answers to (a) are in the affirmative, have the Government made any provision for granting agricultural loans to the people of Satkhira subdivision?

(c) If agricultural loans have been granted, will the Hon'ble Minister be pleased to state—

(i) the total amount of such loans granted;

(ii) the area in which these loans have been distributed; and

(iii) the amount of such loans granted to each person?

(d) Do the Government consider the desirability of extending the relief operations in the locality?

(e) If so, to what extent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) and (b) Yes.

(c) (i) Rs. 25,000.

(ii) Police-stations Satkhira, Kalroa, Tala, Kaliganj, Syamnagar and Assasuni

(iii) The amount varies according to the need in each case

(d) and (e) A careful survey of the area is being made by the officers of Government who are responsible for the proper administration of the locality and all measures necessary to mitigate distress will be taken. I may inform the House that this survey is now practically complete.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether these advances bear any interest?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Of course, they do.

Mr. SYED JALALUDDIN HASHEMY: Is it a fact that the Hon'ble Minister is going to Satkhira to see things for himself?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If necessary, I shall.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister considering the desirability of paying a visit to Satkhira for seeing things for himself?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If necessary, I shall.

Dr. H. C. MUKHERJI: With reference to answers (d) and (e), will the Hon'ble Minister be pleased to state whether he contemplates the payment of gratuitous relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Gratuitous relief has already been paid.

Rai HARENDRA NATH CHAUDHURI: To what extent? And for what thana?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as I remember, about Rs. 5,000 has been paid. As regards the second part of the question, I ask for notice.

Mr. SYED JALALUDDIN HASHEMY: Is it a fact that each family got only Rs. 5, but out of that annas eight was taken away by the distributors of each Union Board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Bamandanga Estate in the Rangpur district.

*90. **Maulvi ABU HOSSAIN SARKAR:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Bamandanga Estate in the district of Rangpur is managed by the Court of Wards?

(b) If so, will the Hon'ble Minister be pleased to state whether that estate through their officers realises marriage tax from their tenants at the rate of Rs. 8 for first marriage and Rs. 14 for second, or *nika* marriage of daughters of the said tenants?

(c) If the answer to (b) is in the affirmative, are the Government proposing to stop this exaction at once?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Only the share of Sreejukta Suniti Bala Debya in the estate is under the management of Court of Wards.

(b) No.

(c) Does not arise.

Relief work in Malda.

*96. **Mr. ATUL CHANDRA KUMAR:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(i) the amount sanctioned for the relief work in the district of Malda; and

(ii) the sum allotted for gratuitous relief and the amount for loan?

(b) Is the Hon'ble Minister aware of the failure of mango crops and *Bhadai* (*aus*) crops of the district?

(c) If so, does the Hon'ble Minister contemplate a further allotment for the district of Malda?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A sum of Rs. 31,000 (Rs. 1,000 for gratuitous relief and Rs. 30,000 for agricultural loans) has been allotted to the district for relief. I may mention here that another Rs. 4,000 has since been sanctioned for gratuitous relief.

(*b*) In affected areas three-fourths of the *aus* crops are reported to have been damaged. No information regarding mango crops is available.

(*c*) Yes, if necessary.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state the name of the person from whom the enquiry was made as to the amount necessary for the district relief work?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Collector.

Mr. ATUL CHANDRA KUMAR: What were the amounts asked for by the Collector of Malda as gratuitous relief and as loan?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The amounts asked for have been sanctioned.

Mr. ATUL CHANDRA KUMAR: Is it a fact that the District Magistrate of Malda asked for Rs. 50,000 as loan?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Whatever amounts the Collectors are asking for are being immediately sanctioned.

Mr. ATUL CHANDRA KUMAR: Is the Hon'ble Minister aware that one Makhan Mandal of Bhaluka Union Board has recently died of starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Consumption of country spirits in Darjeeling.

*97. **Mr. DAMBER SINGH GURUNG:** (*a*) Is the Hon'ble Minister in charge of the Forest and Excise Department aware—

(*i*) that almost 99 per cent. of the consumers of country spirit in the district of Darjeeling are hill people; and

(*ii*) that more than 90 per cent. of the country spirit shops have been settled with non-provincial men called Kalwars?

(b) If the answer to (a) is in the affirmative, do the Government consider the desirability—

(i) of not renewing the licences of the present vendors when the term of the licences expires; and

(ii) of settling the shops with the local people?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (a) No.

(b) Does not arise.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (a), will the Hon'ble Minister be pleased to explain what is meant by "No"—whether he is not aware of it or whether the percentage stated in the question is not true?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The percentage is not true.

Rai HARENDRA NATH CHAUDHURI: What is the percentage of country spirit shops settled with people other than the hill people?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I ask for notice.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister considering the desirability of settling liquor shops with the local people in future?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir. I have already passed orders to that effect

Mr. DEBI PROSAD KHAITAN: Will the Hon'ble Minister be pleased to state whether these so-called non-provincial men are settled in those districts for several generations?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to give us some idea of the percentage of hill men who consume country spirit in Darjeeling?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I ask for notice.

The vendor of the Kalimpong country spirit shop.

*98. **Mr. DAMBER SINGH GURUNG:** (*a*) Is the Hon'ble Minister in charge of the Excise and Forest Department aware—

(*i*) that one Parbati Devi, an upcountry woman, the vendor of the Kalimpong country spirit shop, was allowed to take Babu Gouri Sanker Prosad, her grandson, as her partner some time in January or February last;

(*ii*) that Parbati Devi resigned after 4 or 5 months; and

(*iii*) that Babu Gouri Sanker Prosad became the sole vendor of the shop?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons for giving the shop to the upcountry man without advertisement and without considering the claims of the hill men?

(*c*) Is the Hon'ble Minister aware that this matter was brought to the notice of the local authority?

(*d*) Are the Government considering the desirability of—

(*i*) cancelling the present licence of this shop; and

(*ii*) settling it with the local people after proper advertisement?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) (*i*) Yes

(*ii*) and (*iii*) No.

(*b*) Parbati Devi, the licensee of the Kalimpong country spirit shop for over 10 years, being a *pardanashin* woman was allowed to take her own grandson, Gouri Sanker Prosad, who is a graduate, as her partner.

(*c*) Yes.

(*d*) No.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether there is any bar to granting a licence to a woman?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Not in every case, but in particular cases we allow such licences to women.

Maulvi ABDUL LATIF BISWAS: My question is whether there is any bar to granting licences to women?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No bar.

Some Jumias turned out of their homes and agricultural lands in Cox's Bazar.

***90. Babu MAHIM CHANDRA DAS:** (*a*) Is the Hon'ble Minister in charge of the Forests and Excise Department aware—

(*i*) that fifty families of Jumias (hill tribes) had been turned out of their homes and agricutural lands on the 23rd June last at Teknaf and Ukhia thanas in the Cox's Bazar subdivision;

(*ii*) that they made repeated representations to the Hon'ble the Forest Minister, the Conservator of Forests, and the local executives; and

(*iii*) that no steps have yet been taken to redress their grievances?

(*b*) Is the Hon'ble Minister also aware—

(*i*) that these people had been *khas mahal* tenants; and

(*ii*) that they were turned into contract labourers on *begar* system by the Forest Department?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the policy was adopted with the approval of Government?

(*d*) Is the Hon'ble Minister aware that the object of reserving the area has failed and the idea has been abandoned?

(*e*) If the answer to (*d*) is in the affirmative, are the Government considering that the area should be deforested and restored to their former holders?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) (*i*) Yes. The labour settlers, known as forest villagers, were established under agreements to perform certain duties. As they refused to abide by the conditions of their agreement they were ejected, after being given eighteen months' notice.

(*ii*) Yes.

(*iii*) No, as they have no genuine cause of grievance. They were offered work in other localities in the Reserved Forest under fresh agreement but they refused it.

(*b*) (*i*) These people were *khas mahal* tenants before coming into the Reserve, as forest villagers

(*ii*) Under the agreement they were required to give a certain amount of free and paid labour in return for their right to cultivate in the Reserved Forest.

(c) Yes.

(d) No.

(e) Does not arise.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether there was any force used in ejecting these tenants?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Government are not aware that any force was used.

Khan Bahadur Maulvi FAZLUL QUADIR: Then how were they ejected?

The Hon'ble Mr. PRASANNA DEB RAIKUT: They had to go, Sir.

Babu MAHIM CHANDRA DAS: মাননীয় মন্ত্রী মহাশয় বোলবেন কি agreement-এর কোন্ সর্ত্ত তারা ভঙ্গ কোরেছে বলে তাদের তাড়িয়ে দেওয়া হয়েছে? আর কোন্ সর্ত্ত কবে তারা ভঙ্গ কোরেছে?

The Hon'ble Mr. PRASANNA DEB RAIKUT: About 15 years ago the Forest Department wanted some villagers to do some forest work and after that when the Forest Department thought that the lands would be required for forest purposes, viz., plantation, etc., they were asked to vacate, but they did not. Therefore Government had to take measures to eject them.

Babu MAHIM CHANDRA DAS: যেটা তারা ভঙ্গ কোরেছে সেটা কোন্ সনের agreement, এবং সেটার সর্ত্ত কি? আপনার কাছে সেই agreement-এর কি কপি একটা আছে?

The Hon'ble Mr. PRASANNA DEB RAIKUT: They were given the lands under certain conditions; I have not got the agreement with me. If the honourable member wants to see the agreement, I will give him later on.

Babu NAGENDRA NATH SEN: With reference to answer (a) (i), when were they established and when ejected?

The Hon'ble Mr. PRASANNA DEB RAIKUT: They were established some 15 years ago, and they were ejected only a few months back.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to consider the extreme hardship caused in ejecting certain persons after 15 years' residence in a homestead?

The Hon'ble Mr. PRASANNA DEB RAIKUT: They were offered work and they refused.

Khan Bahadur Maulvi FAZLUL QUADIR: What was the offer, whether they were given any settlement, any other land or simply work?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I believe they were given forest work.

Mr. SHAH ABDUR RAUF: Will the Hon'ble Minister be pleased to state if it is a fact that elephants were used to demolish the huts of persons there?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir, Government are not aware.

Chittagong and Cox's Bazar Forest Divisions.

*100. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(i) what was the revenue of Chittagong and Cox's Bazar Forest Divisions for the last 10 years year by year; and

(ii) whether the present Divisional Forest Officer has introduced from the 6th July, 1937, new licence-fees on *gil*, plantain leaves, *pitali* leaves, etc., and other miscellaneous articles in the schedule of conditions and rates for removal of forest produce from the Chittagong Division?

(b) If the answer to clause (a) (ii) is in the negative, will the Hon'ble Minister be pleased to state at whose suggestion has the new imposition been made?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (a) (i) A statement is laid on the table.

(ii) No change has been made in the rates of royalty for *gil*, plantain leaves or *pitali* leaves. The only alteration made on the 6th July, 1937, was to fix the rates of royalty on creepers and *hetel* stems at anna 1 and pies 6 per bundle, for which no royalty had been fixed before.

(b) The rates were fixed under the orders of the Conservator of Forests with the approval of the Collector and the Commissioner of Chittagong.

Statement referred to in the reply to (a) (i) of starred question No. 100, showing the revenue of Chittagong and Cox's Bazar divisions for the last ten years (1928-29 to 1937-38)

Year	Chittagong.	Cox's Bazar.	Total.	Remarks.
	Rs.	Rs.	Rs.	
1928-29	1,21,279	70,036	1,91,315	
1929-30 ..	1,18,574	83,295	2,01,869	
1930-31 .	1,37,165	91,669	2,28,834	
1931-32	1,20,966	62,165	1,83,131	
1932-33	1,31,916	66,501	1,98,417	
1933-34	1,60,107	(a) 9,783	1,69,890	(a) Due to amalgamation of Chittagong and Cox's Bazar Divisions into one from the 1st July, 1933.
1934-35 ..	1,71,338	(a)	1,71,338	
1935-36	1,87,616	(a)	1,87,616	
1936-37	1,99,797	(a)	1,99,797	
1937-38	2,42,047	(a)	2,42,047	
Total .	15,90,805	3,83,449	19,74,254	

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state the reason for such abnormal increase of revenue in 1937-38 compared to the figure of 1936-37, it shows an increase of about Rs. 42,047 in revenue?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It was decided that the revenue then existing was too low, and even now it is very very low in comparison with other divisions.

Allotment of money for water-supply in the Murshidabad district.

*101. **Maulvi ABDUL BARI:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) how much money has been allotted this year for water-supply in the district of Murshidabad;

(ii) how many tube wells and masonry wells are there at present in the district of Murshidabad to meet the exigencies of water-supply; and

(iii) how many villages are there in the district in which there are no tube wells or masonry wells?

(b) Do the Government contemplate preparing a scheme by which every village in the district may have one tube well at least?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) (i) The district of Murshidabad has been allotted Rs. 1,810 out of the Government of India's 2nd grant for rural water supply during the first six months of 1938-39. The allotment of the Provincial grant of Rs 7½ lakhs is now under my consideration and will be made shortly

(ii) 851 tube wells and 1,062 masonry wells

(iii) 2,951 villages.

(b) I have under my consideration a comprehensive scheme for the improvement of rural water-supply throughout the province with an assured continuity of funds

Mr. PROMATHA RANJAN THAKUR: With reference to answer (b), will the Hon'ble Minister be pleased to state if it is possible for the Hon'ble Minister to give a rough idea of the amount that is to be spent for this contemplated scheme of rural water-supply?

The Hon'ble Mr. H. S. SUHRAWARDY: No, I do not propose to give it at this stage.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state on what basis the allotment of the provincial grant will be made?

The Hon'ble Mr. H. S. SUHRAWARDY: Is the honourable member referring to the Rs 7½ lakhs?

Khan Bahadur MOHAMMED ALI: Yes

The Hon'ble Mr. H. S. SUHRAWARDY: I have passed orders, but there has been no final decision

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় কি আমাদের জানাবেন তাঁদের এই ব্যাপক পরিকল্পনা কার্য্যকরী হ'তে কত সময় লাগবে?

The Hon'ble Mr. H. S. SUHRAWARDY: As soon, Sir, as we are free to deal with urgent matters we shall take up this matter.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state under whose disposal the money is to be placed for spending it?

The Hon'ble Mr. H. S. SUHRAWARDY: I hope the honourable member will hold his soul in patience until the final policy is announced. I may state here that I propose to create a machinery at whose disposal the provincial grant will be placed.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state in how many years does the Government propose to furnish these 2,951 villages of the district of Murshidabad with tube-wells and masonry-wells?

The Hon'ble Mr. H. S. SUHRAWARDY: I think this raises a very important question of policy as to whether it is the duty of the Government at all to furnish tube-wells and masonry-wells in the villages of Bengal, and that it is not the duty of the villagers to look after their own water-supply or the duty of the District Board to do so or of the Union Board or of the charitably disposed persons of the province. The honourable member will notice that I have taken up the consideration of a comprehensive scheme. The honourable member will also note that it is only very recently that I have taken up this portfolio, and this comprehensive scheme, I hope, will be pushed through within a short time as soon as I can get a reasonable amount of time.

Mr. PROMATHA RANJAN THAKUR: In answer to (*b*), the Hon'ble Minister has said "I have under my consideration a comprehensive scheme". He has got that scheme, and he has got some rough idea of the amount that will be spent for that scheme. May I know the amount?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, Sir, the honourable member is unintelligible.

Mr. PROMATHA RANJAN THAKUR: May I make myself intelligible, Sir? In answer to (*b*), the Hon'ble Minister has said "I have under my consideration a comprehensive scheme for the improvement of rural water-supply throughout the province with an assured continuity of fund". May I know whether the Hon'ble Minister has got any rough idea of the amount of money that will be spent for this purpose? When he has got a comprehensive scheme, certainly he should have a rough idea.

The Hon'ble Mr. H. S. SUHRAWARDY: Does the honourable member mean the amount of money that will be necessary for the purpose, or that will be spent for the purpose?

Mr. PROMATHA RANJAN THAKUR: That will be spent for the purpose.

The Hon'ble Mr. H. S. SUHRAWARDY: Spent by whom?

Mr. PROMATHA RANJAN THAKUR: By Government.

The Hon'ble Mr. H. S. SUHRAWARDY: That very much depends on how much money it can get from local bodies.

Babu NAGENDRA NATH SEN: The Hon'ble Minister just said that he had not been able to give the matter his consideration, because he was not free. Will the Hon'ble Minister be pleased to state what were the bars for his not giving attention to these facts, and when he will be in a position to give this matter his consideration?

The Hon'ble Mr. H. S. SUHRAWARDY: Will the honourable member kindly repeat his question?

Babu NAGENDRA NATH SEN: My question is that the Hon'ble Minister has just been pleased to state that he has not been able to give the matter his consideration, because he is not free to do so. Will he be pleased to state when he will be so free to give this matter his consideration, and what were the bars during these sixteen months for not giving attention to this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is incorrect in all his premises. It is not that I have not given the matter my consideration. I have given it my consideration, but the final decision is still awaited. The honourable member ought to know that I have not had this portfolio to administer for the last 16 months.

Establishment of a hospital for infectious diseases in Dum-Dum.

*102. **Mr. NIHARENDU DUTTA-MAZUMDAR:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(i) that a project is in contemplation to establish a hospital for infectious diseases near Calcutta; and

(ii) that Dum-Dum has been selected for its site?

(b) Is the Hon'ble Minister aware of a feeling amongst the local residents over the selection of site in the midst of residential quarters?

(c) If the answer to (b) is in the affirmative, what steps, if any, do the Government propose taking to allay public misgivings?

The Hon'ble Mr. H. S. SUHRAWARDY: (*d*) The Calcutta Corporation proposes to establish a hospital for infectious diseases and has selected a site within the area of the South Dum-Dum Municipality.

(*b*) Yes.

(*c*) The matter is under the consideration of Government.

Mr. NIHARENDU DUTTA-MAZUMDAR: Will the Hon'ble Minister be pleased to state how long the matter has been under the consideration of the Government?

The Hon'ble Mr. H. S. SUHRAWARDY: That I do not know. I have to look through the file, and therefore I want notice.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether he has taken any step to ensure that the Calcutta Corporation will not make any progress with the scheme until the Government finishes the consideration of the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that the Calcutta Corporation can progress with the scheme without Government sanction.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether Government sanction asked for was necessary with reference to money spent or for the scheme itself?

The Hon'ble Mr. H. S. SUHRAWARDY: That is more than I can say.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the site selected is very close to the Dum Dum Railway Junction and is he aware that it is not a desirable site?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not examined the topography.

UNSTARRED QUESTIONS

(to which answers were laid on the tal

Cattle mortality in Shillock Union in Chittagong district.

51. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) of the devastating and repeated cattle mortality of the villages under the jurisdiction of the Shillock Union, police-station

Rangunia, and also in police-station Banskhali in the district of Chittagong; and

(ii) that the agriculture of the locality has to a great extent come to a standstill?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether any expert Veterinary Surgeon has been sent to the place to prevent the recurrence of the epidemic; and

(ii) whether the Government contemplate helping the agriculturists of the affected area with agricultural loans at a very early date so that the agricultural operations may be continued by purchasing fresh stock of cattle or even by sparing the lands in this harvest season?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) (i) There was an outbreak of rinderpest in Shillock Union in June last which was adequately dealt with by the local Staff. Veterinary Assistant Surgeon. There has been a recent outbreak in Banskhali police-station.

(ii) Agricultural operations have not been affected to any appreciable extent.

(b) (i) The Itinerant Veterinary Assistant Surgeon of Chittagong recently visited Shillock Union and found no clinical cases. The Itinerant Veterinary Assistant Surgeon, Satkania, has been directed to attend the outbreak in Banskhali police-station.

(ii) This question does not arise and, in any case, concerns the Revenue Department.

Pay and the grade of the Head Master of the Rangamati High English School in Chittagong Hill Tracts.

52. **Al-Haj Maulana Dr. SANAULLAH:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what is the grade and the initial salary at which the present Head Master of the Rangamati High English School in Chittagong Hill Tracts was appointed?

(b) What were the grade and initial salary of his predecessor in that office?

(c) What are their respective academic qualifications?

(d) What is the status of the institution where the present Head Master used to serve before his appointment as such?

(e) Is it a fact that he is a European Missionary?

(f) Was this post advertised?

(g) If so, who were the other candidates?

(h) What were their academic qualifications?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) The Head Master who is, in addition, Superintendent of Education in Chittagong Hill Tracts draws pay in the following scale:—

Rs. 930—40/2—1,050—50/2—1,250 per mensem.

Initial pay—Rs. 930 per mensem.

(b) The previous Head Master, who had no other additional duties to perform, drew pay in the following scale—

Rs. 150—25—200—50/2—300—40/2—500—50/2—700 (efficiency bars after 12th and 20th stages)

At the time of his appointment at the school his pay was Rs. 200 per mensem.

(c) Former Head Master—B.A., B.T. Present Head Master

(i) B.Sc. (London) (Honours in Chemistry)

(ii) Special training in Agriculture in the Cambridge University.

(d) Middle English and Primary School

(e) Yes.

(f) No.

(g) and (h) Do not arise.

Al-Haj Maulana Dr. SANAULLAH: With reference to answer (f) will the Hon'ble Minister be pleased to state why the post was not advertised?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The previous Government came to a decision in the matter, and this Government cannot answer for their acts of commission and omission.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state who was the Superintendent of Education in the Chittagong Hill Tracts before the appointment of the present incumbent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state what are the additional duties which the present Head Master has to perform?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He is the Superintendent of Education in the Chittagong Hill Tracts. He has to supervise all the schools in the area.

Relief to the flood-affected areas in the Kurigram subdivision.

53. Kazi EMDADUL HAQUE: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay a statement on the table showing—

(i) thana by thana the area affected by the recent flood in the Kurigram subdivision;

(ii) the number of families in the affected area;

(iii) the nature and extent of the relief, if any, given by the Government to the distressed people; and

(iv) the nature and extent of the relief proposed by Government to be given to the people in future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 53, showing the area and the number of families affected by the recent flood in the Kurigram subdivision, thana by thana, and the nature and extent of relief given or proposed to be given to the distressed people.

Name of thana.	Area affected.	Number of families in the affected area	Nature and extent of relief to distressed people
	Sq. miles		
1. Rowmari	94	7,000	Agricultural loan of Rs 75,000 has been sanctioned and gratuitous relief amounting to Rs 8,500 and over 1,300 maunds of rice have been given to the distressed people The local officers are attending to the situation with the utmost anxiety and care Further financial aid in the shape of agricultural loan, gratuitous relief or opening of test works will be extended to the affected persons as recommended by the local officers who are responsible to Government for the proper detailed administration of relief measures.
2. Chilmari	76	5,400	
3. Nageswari	80	5,600	
4. Ulipur	22	1,150	
5. Kurigram	23	1,200	
6. Bhurungamari	18	950	

Mr. JATINDRA NATH CHAKRABARTY: Is the Hon'ble Minister aware that the Government Press Communique was to the effect that the number of people affected was sixty thousand?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to let us know how many of the families mentioned in his answer were given gratuitous relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister please let us know what sort of relief has been given to the labouring classes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They have been provided with work where work can be undertaken by them; otherwise they have been given gratuitous relief.

Land tenure system and enhancement of rents in Western Duars Government Khas Mahal, Jalpaiguri.

54. Babu KHAGENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that recently Mr. Stuart, I.C.S., had been sent by the Government of Bengal to enquire into the land tenure system and the recent enhancement of rents in the Western Duars Government *Khas Mahal* in the district of Jalpaiguri;

(*ii*) that the *jotedars* and tenants had not been previously informed about this enquiry;

(*iii*) that the Secretary, Jalpaiguri *Jotedars'* Association, Mayanaguri, has been informed in reply to his written enquiry about his tour programme only a few hours before his actual arrival at Mayanaguri;

(*iv*) that Mr. Stuart had finished his enquiry in course of four days only and halted at each Tahsil Office only for a few hours;

(*v*) that Mr. Stuart carried on the enquiry without taking any written notes of the grievances put forward by those few *jotedars* and tenants who happened to know of his actual arrival at the last hour and appeared before him;

(*vi*) that he did not visit the neighbouring *jotes* of ascertain the truth or otherwise of the complaints made by the *jotedars* regarding classification of land; and

(*vii*) that the members of the Bengal Legislature representing the locality were not informed of his arrival and so were not given any opportunity to discuss with him about the matter of enquiry?

(*b*) Will the Hon'ble Minister be pleased to state when Mr. Stuart has submitted the report of his enquiry?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay a copy of the report on the table?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: (*a*) (*i*) Mr. Stuart was appointed to ascertain the most urgent grievances of *khas mahal* tenants of the province and to suggest how they can be removed. If in any particular area, in course of his enquiry he had reasons to believe that the rate of rent is too high he was expected to discuss with the local officers and to suggest suitable action. He was not asked to enquire into the land-tenure system.

(*ii*) to (*vii*) He did not intimate in advance of his proposed visit to the tenants or their Associations or to local M. L. A.'s. But he met the tenants, heard their grievances, visited their fields where necessary in course of his four days stay in the district. No depositions of tenants were recorded but notes of grievances of tenants were taken by him.

(*b*) It was submitted by him to the Board of Revenue on the 29th June, 1938, and has not yet been received by Government along with Board's views on the recommendations made by him.

(*c*) As Government have not received the report yet, the question does not arise.

Babu KHAGENDRA NATH DAS GUPTA:

আমার প্রশ্নের উত্তরে মাননীয় মন্ত্রীমহাশয় স্বীকার কোরেছেন যে Mr. Stuart খাস মহলের প্রজাদের urgent grievances সম্বন্ধে খোঁজ করবার জন্য নিযুক্ত হইয়াছিলেন এবং সে সম্পর্কে তিনি জলপাইগুড়ির খাসমহলে যাবার পূর্বে প্রজাদের, তাদের সমিতি বা নির্বাচিত প্রতিনিধিদের কাহাকেও কোন খবর দেন নাই, অথচ মন্ত্রীমহাশয় আমাদের জানাচ্ছেন যে Mr. Stuart প্রজাদের সঙ্গে দেখা কোরেছেন, তাদের grievance সম্পর্কে শুনেছেন, তাদের জমাজমি পরিদর্শন করেছেন, এখানে আমার প্রশ্ন হচ্ছে এই যে তিনি কি প্রজাদের বাড়ী বাড়ী গিয়ে দেখা করেছেন না যে অল্প কয় ঘন্টা কোরে সময় তিনি এক একটা তহসীলে পেয়েছেন সেই অল্প সময়ের মধ্যে স্থানীয় তহশীলদারেরা তাদের মনের মতন যে কয়টী প্রজা নিকটবর্তী স্থান হতে উপস্থিত কোরতে পেরেছে কেবলমাত্র তাদের সঙ্গেই দেখা করেছেন?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: He met the tenants at random, because Mr. Stuart thought that was the proper

method of enquiry, so that he could ascertain the grievances of the tenants. He visited their homes and fields and discussed the matter with them individually without any notice.

Babu KHAGENDRA NATH DAS GUPTA:

তাহলে প্রজাদের বাড়ী বাড়ী গিয়েছিলেন,—এই কথা কি মন্ত্রীমহাশয় বোলতে চাচ্ছেন?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, he met them. But whether he actually went to their homes or met them at a particular place, I am not aware of it.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of issuing instructions to District Officers to inform members of the Legislature, so that they may get an opportunity to represent the grievances of the people in connection with Mr. Stuart's visit.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The enquiry is now complete and Mr. Stuart has already submitted his report.

Management of Kazi Estate in the district of Tippera.

55. Mr. DHIRENDRA NATH DATTA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state

(*i*) when the management of the Kazi Wards Estate in the district of Tippera was taken up by the Court of Wards; and

(*ii*) the grounds for declaring the proprietor of the said estate as disqualified when the management was taken up?

(*b*) Is it a fact that the proprietor of the estate before he became an Hon'ble Minister of the Government of Bengal acted as Manager of the estate for a certain period?

(*c*) Do the grounds for declaring the proprietor of the said estate as disqualified still continue?

(*d*) If the answer to clause (*c*) is in the negative, do the Government contemplate releasing the property from their charge?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) In November, 1911.

(*ii*) The declaration of disqualifications was made under clause (*g*) of section 6 of Act IX of 1879 on the ground of public interest.

(*b*) Yes, but it was the disqualified proprietor's son.

(c) The present proprietor has not been declared disqualified but the estate has continued in Court's management as the debts charged thereon has yet to be discharged.

(d) Not till the debts of the estate are discharged.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that there is no clause (c) of section 6 of Act IX of 1879?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think it is (e). I have got the Act here.

Mr. SPEAKER: Anyway, there is some clause. It is no use wasting time over that.

Mr. DHIRENDRA NATH DUTTA: Will the Hon'ble Minister be pleased to state if he is aware of the fact that the proprietor was disqualified when the management of the Court of Wards was taken up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He was declared a disqualified proprietor on his own application under certain sub-clause of section 6—whether it is (d) or (e) I do not exactly remember.

Mr. DHIRENDRA NATH DUTTA: Will the Hon'ble Minister be of the fact that debts are not being paid in order to keep the property within the management of the Court of Wards?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Court of Wards is in charge of the property and it is their duty to pay off the debts as soon as possible.

Mr. SHAHED ALI: Will the Hon'ble Minister be pleased to state what was the original amount of debt and what is the amount to be paid at the present moment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. SHAHED ALI: Will the Hon'ble Minister be pleased to state how long it will take to pay off the debt?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Relief to flood-stricken people of Sirajganj.

Mr. ABDULLA-AL-MAHMOOD: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the whole of the Sirajganj subdivision has been affected by the recent flood; and

(*ii*) that there is acute distress in the subdivision?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what amount by way of agricultural loan and gratuitous relief, if any, has been sanctioned to help the people of the subdivision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes.

(*ii*) Distress is prevailing in the affected areas.

(*b*) Rupees 80,000 for agricultural loan and Rs. 5,000 for gratuitous relief have been allotted to the subdivision.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that Rs. 5,000 for gratuitous relief for the subdivision of Serajganj is quite insufficient?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government go by the recommendation of the District Officers and whatever amounts are asked for are being sanctioned by Government.

Muslim officers in the Board of Revenue.

57. Mr. S. A. SALIM: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the number of officers existing at present in the department of the Board of Revenue;

(*b*) how many of them are—

(1) Hindus, and

(2) Muhammadans; and

(*c*) whether Muslim representation in that department has reached in accordance with the Government circular on the subject?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) 60.

(*b*) (1) 39 including a member of the Scheduled Caste.

(2) 20.

There is one Indian Christian.

(c) Yes.

Gratuitous relief for flooded areas in Serajganj.

58. Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) whether gratuitous relief has been given to the flood-stricken people of the Serajganj subdivision; and

(b) if not, whether Government contemplate giving such relief immediately?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes.

(b) Does not arise.

Babu NARENDRA NARAYAN CHAKRAVERTY: সিরাজগঞ্জ subdivisionএ কত গ্রাম আছে মন্ত্রী মহাশয় অনুগ্রহ কোরে বোলবেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I would refer the honourable member to the census report

Granting of new licence for constructing distilleries.

59. Mr. SURENDRA NATH BISWAS: (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state the present policy of the Government in respect of granting new licence for constructing distilleries in the province?

(b) Is the Hon'ble Minister aware that Messrs. Carew and Company of Calcutta have made an agreement with Babu Ramani Kanta Roy of Chougram, district Rajshahi, for settlement to be given by the latter to the former of more than 10,000 *bighas* of the former's *khas* and granted lands in mauzas Darshana, Akanda, etc., within the subdivision of Chuadanga in the district of Nadia, for the purpose of constructing a distillery in the said lands?

(c) Have the said Messrs Carew and Company applied to the Government for a licence for a distillery in the aforesaid lands?

(d) If the answer to (c) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether a licence has been granted to the said firm as aforesaid; and

(ii) if not, is the Hon'ble Minister considering the desirability of not granting licences for new distilleries in the province?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) The policy of Government is not to grant any licence for the construction of a new distillery unless there is a real need for it.

(*b*) Government are not aware of any such agreement. But Messrs. Carew and Company propose to start a large sugar factory at Darsana with a distillery attached.

(*c*) They applied for permission to transfer their distillery from Asansol to Darsana.

(*d*) (*i*) Permission for transfer of their distillery from Asansol to Darsana has been granted. This is not a case of granting a new licence.

(*ii*) Does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if there is any distillery in the 24-Parganas district?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how many distilleries are there?

The Hon'ble Mr. PRASANNA DEB RAIKUT: One.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if there is any other distillery in the district of Nadia?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No.

Coolies and mehtars employed at different Government hospitals.

60. Mr. RASIK LAL BISWAS: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what is the number of coolies and *mehtars* with their pay employed at present in the hospitals attached to the—

(*i*) Calcutta Medical College;

(*ii*) Campbell Medical School;

(*iii*) Dacca Mitford Medical School;

(*iv*) Presidency General Hospital;

(*v*) Police Hospital; and

(*vi*) Jessore District Hospital?

(*b*) Is there any grade in their salary?

(*c*) Whether their services are permanent?

Mr. SPEAKER: Dr. Sanyal, how is this urgent?

Dr. NALINAKSHA SANYAL: This is a matter which came to our notice only on Saturday last as it was published in an Extraordinary Gazette on the previous day. If this matter is not taken up as early as possible and as early as the Rules permit, I am afraid, similar things might happen and its effect on public life and on the proper functioning of the Legislature might be very baneful. That is why I bring it as early as possible.

The Hon'ble Khwaja Sir NAZIMUDDIN: This question, apart from other objections, was raised and discussed at the time when the Supplementary Budget was discussed.

Rai HARENDRA NATH CHAUDHURI: It was simply referred to.

The Hon'ble Khwaja Sir NAZIMUDDIN: There cannot be any motion about this. During the course of discussion of the Supplementary Budget, various members referred to it. Once the question has been raised, it cannot be raised again. They could have made it an issue at the time of the Supplementary Budget and they could have censured Government if they so liked. I submit that in view of the fact that the members had an opportunity to raise this question at the time of the Supplementary Demands and as the question was actually raised at the time, the present motion is not in order.

Babu NAGENDRA NATH SEN: On a point of order, Sir. Even if the question was raised, no answer was given.

Mr. SANTOSH KUMAR BASU: May I submit, Sir, in answer to what has fallen from the Hon'ble Minister, can a passing reference to a variety of subjects which might be incidentally referred to in the course of discussion of the Supplementary Budget take the place of an adjournment motion with regard to a definite matter of urgent public importance concerning the rights and privileges of the Opposition and other members of the House?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was a definite charge levelled against the Government, the names of the two members who were removed and the names of those who replaced them were given and it was made a specific charge against Government at the time of the discussion of the Supplementary Budget. So having once raised that question, I do not see how it can come up in an adjournment motion the next day.

Mr. NIHARENDU DUTTA-MAZUMDAR: As Mr. Santosh Kumar Basu has submitted, the matter was only casually raised without being made a definite issue for consideration before the House and as this matter was not taken sufficient cognisance of and as no reply was given by the Hon'ble Minister, I submit that this motion should be held quite in order. This is the first time that the matter has been brought up before this House and the House should not be deprived of the opportunity of considering the matter.

Mr. SPEAKER: I may say that a very important question has been raised in this motion. It is very difficult to come to an off-hand decision on this matter. I shall have to consider whether this is an issue of sufficient importance to obstruct the normal proceedings of the House and I shall have to satisfy myself about the question of urgency and what its effect will be. So I propose that in case I hold that the matter is such that it is permissible under the Rules to be taken up, I will waive my objection and take up the matter day after to-morrow. I will give my decision day after to-morrow and if it is in order, it will be taken up on that day. I hope every member will realise that it is an important matter and I will not rule it out now and create a precedent. I hope members will realise the difficulty. If Dr. Sanyal will repeat this matter day after to-morrow, I will give my decision.

Dr. NALINAKSHA SANYAL: May I submit, Sir, in reply to what you observe in this connection, that this motion should be discussed at the earliest opportunity possible and to-day under the Rules is the earliest opportunity. The question you have asked is how this is an urgent matter. You want to be satisfied on that. My fear is with regard to the work of eight such Committees which are going to function immediately. Committees appointed by Government on various questions like Rent, Jute, Education and so on and some of them probably would be functioning in the course of this week. So far as I know, at least one such Committee is going to meet early next week. If members of that Committee are to be kept in constant suspense as to whether they would function or not, they cannot work properly. It is better to know the position correctly and after having known this the Opposition will decide how far they would be in a position to co-operate with Government in the work of Committees. A matter like this cannot possibly wait. All adjournment motions are in the nature of urgent motions, to be taken up on the very day they are moved. Therefore, I beg to submit that although you are perfectly within your rights to ask me to take it up again on Friday next, I submit with all humility that sufficient notice of this motion has been given to the office and the matter should be taken up to-day. It is not like handling over a motion only an hour or two before, but this notice

was in the office for the last two days and Government were fully aware of it.

As regards the reply given by the Hon'ble Home Minister, I have to submit that if this motion or anything akin to it was ever contemplated as a matter for discussion within the supplementary budget, you, Sir, would have ruled it out because it would have been completely irrelevant in course of the supplementary budget discussion. Therefore, it was merely a casual reference that was made by one member during those discussions. It was not put as an issue and the House had no opportunity of expressing its opinion on such a clear-cut issue, nor could the Hon'ble Ministers take it as an issue and deal with it as such. It is not fair to try to dodge the House on an important question like this merely on technical grounds, or on grounds which do not exist, and on grounds which are absolutely imaginary. I submit, therefore, that there is no difficulty so far as you are concerned and you would please take it up to-day after 6 p.m. if there is no objection, otherwise I have to be prepared to wait till Friday next.

Mr. SPEAKER: Well, if you want, I am prepared to give my ruling now. It is entirely for you to say whether you want it now or afterwards.

Dr. NALINAKSHA SANYAL: I am prepared to take the ruling now.

Mr. SPEAKER: All right: my decision is that, for the time being, so far as the statement of Dr. Sanyal is concerned, and as it appears before me, I am not satisfied that it is a definite matter of urgent public importance. This is in so far as his own statement is concerned. Whether the other issues raised by Dr. Sanyal are relevant or not, are quite foreign to me, because I am guided for the time being by the terms of his resolution and the terms of his statement. On these grounds, I rule that his adjournment motion is not in order.

Mr. M. SHAMSUDDIN AHMED: May I have your permission, Sir, to move the adjournment motion of which I have given notice?

Mr. SPEAKER: Yes, you may, so that I may see if it is in order.

Mr. M. SHAMSUDDIN AHMED: I beg to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the situation created in a number of villages in the Kushtia subdivision of the district of Nadia through acts of intimidation by the police.

Mr. SPEAKER: Mr. Shamsuddin, I have just seen the statement you have supplied to me, but is not the matter *sub judice*?

Mr. M. SHAMSUDDIN AHMED: I have mentioned that in my statement.

Mr. SPEAKER: Yes, that is what I say and that is what constitutes my difficulty.

Mr. M. SHAMSUDDIN AHMED: I am going to discuss here only the situation created in about 3 or 4 villages, where on account of the police having acted as marauders, the people have in consequence left the villages and paddy is going under water, being uncared for. Thus, Sir, a peculiar situation has been created there. I am not going to touch any of the *sub judice* matters. Let the court decide on those cases: we are only discussing the situation arising out of the police oppression.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that it is impossible for Mr. Shamsuddin to discuss this matter without raising issues that are now before the court. Mr. Shamsuddin promised to let me have a statement on this matter in private and I promised also to enquire into it, but until now he has not given me any statement so far as that matter is concerned. Moreover, I submit that even from the statement that he has just now made, it will be obvious that this question cannot be discussed without bringing in issues which are now before the Court.

Dr. NALINAKSHA SANYAL: Mr. Speaker, I may submit, that what Mr. Shamsuddin's adjournment motion seeks is to draw the attention of the House only to the conduct of the police and to nothing more than that.

Mr. SPEAKER: Is it not a fact that this conduct of the police is now a matter of investigation?

Dr. NALINAKSHA SANYAL: No, Sir, it is not under investigation in any court. So, it is not a matter *sub judice* so far as the conduct of the police is concerned. Such police excesses have occurred and they are going on still, and even yesterday reports have been received of the police unnecessarily harassing the people in this connection. We submit that there will be discussion only so far as the conduct of the police is concerned. You are here to see that nothing which is *sub judice* and nothing which goes beyond the police excesses is discussed. The apprehension of the Hon'ble the Home Minister

may be very well safeguarded by you as Speaker of the House. Therefore, I believe, Sir, that this is legitimately a right of the House to discuss a motion of this character, and you will allow this motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the whole question hinges on the fact that the police are making arrests for assaults made upon them in execution of their duties, and I do not see how this question can be discussed without bringing in any question as to whether those arrests were legal or not, or whether the police were justified in making these arrests or whether the police are justified in making an investigation. I would very much welcome a discussion, but I do feel that the question cannot be discussed without treading one matter which are now before the court.

Rai HARENDRA NATH CHAUDHURI: How can you prejudge that?

Mr. SPEAKER: Mr. Shamsuddin, have you heard the other part of the statement of the Hon'ble the Home Minister in which he says that you did not supply him with a statement as you had promised in which case he would have enquired into the matter?

Dr. NALINAKSHA SANYAL: That, Sir, is entirely a private matter.

Rai HARENDRA NATH CHAUDHURI: Was the honourable member bound to supply such a statement?

Mr. SPEAKER: No, he is not bound, to be sure, but I must take every fact into consideration. Will not the reply of Sir Nazimuddin serve your purpose now?

Mr. M. SHAMSUDDIN AHMED: If this matter is discussed here, the Hon'ble Minister may even now promise to the House that he will enquire into the matter. This need not affect the discussion.

Mr. SPEAKER: Are you going to refer to any matter in connection with the subject, which is *sub judice*?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I ask Mr. Shamsuddin Ahmed what is it for which, as he alleges, which allegation, however, I do not accept, the police are taking this action? What is it due to?

Mr. SASANKA SEKHAR SANYAL: For police excesses.

The Hon'ble Khwaja Sir NAZIMUDDIN: What is it for which the police are acting in this way? Let us hear from Mr. Shamsuddin himself.

Mr. M. SHAMSUDDIN AHMED: I must state, Sir, that there is a Krisak Proja Samity in the place where police *zulum* is going on. For the last few months this Society has been functioning all right and it has been ventilating for the redress of grievances which the Krishaks had against their landlords. They had got redress of some of their grievances, which upset the landlords so much that in collusion with the police they are trying to harass the people in the best way possible. Now the situation there is that in 3 villages people have fled to other villages, and when they return to their villages zemindar's men and lathials, 50, 60 or 70 in number, who are roaming in the villages, are beating the people with the help of the police right and left. That has created a great panic. The police is not only shirking its duty but is also helping the zemindars to terrorize the whole villages in order to teach the simple folk a lesson because they belong to the Krishak Praja Samity.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am very sorry that the facts as stated by Mr. Shamsuddin are absolutely contrary to what is actually happening, and even taking the statement of Mr. Shamsuddin just now made, it appears that the police are acting because something has happened in connection with certain proceedings in the court.

Rai HARENDRA NATH CHAUDHURI: No, no, he did not say like that.

Mr. M. SHAMSUDDIN AHMED: One word, Sir. The police and the zemindar's men are crying "where is Shamsuddin, and where is his father" and such other things, and "we are the police and we can do everything."

Mr. SPEAKER: Well, I am not concerned with these. Where is the relevancy of all these?

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. On previous occasions, may I cite that such motions of adjournment were allowed? Only, the mover was not allowed to go into any matter that was before the Court. I may refer you, Sir, to the adjournment motion on the Charmaniar incident and such other incidents. The adjournment motions were allowed then and only the mover was not allowed to go into those matters that were before the Court. In those cases, Sir, adjournment motions were always considered to be right.

Mr. SPEAKER: My difficulty is that Mr. Shamsuddin's motion has been termed in such general language that it includes matters which have not gone to Court as well as those which have gone to Court.

Rai HARENDRA NATH CHAUDHURI: It is to be in general terms and it is for you to exercise your discretion and stop him if he refers to matters which are *sub judice*.

The Hon'ble Khwaja Sir NAZIMUDDIN: It will be impossible for you, Sir, I submit, to intervene in the debate if any member refers to matters which are now *sub judice*.

Mr. SPEAKER: First of all, I must know what are the specific acts of intimidation. I want information on two points—firstly, that there have been certain specific acts of police intimidation committed within recent time, and secondly, that none of those acts are the subject-matter of judicial proceedings at the present moment. If I am satisfied on these two points, then I shall consider whether I can give my consent. Moreover, Mr. Shamsuddin, you have not given me the date of occurrence.

Mr. M. SHAMSUDDIN AHMED: The main question is the subsequent behaviour of the police after the actual occurrence. I am not concerned just with the time when the occurrence took place. The zamindar's men brought in the police from outside the Kushtia thana. The Union concerned is within the jurisdiction of the Kushtia thana, but the police was requisitioned from Mirpur thana within the jurisdiction of which the zamindar lives. When the decree was served, there was no occurrence then. The men were brought to the kutchery and there they were whipped.

Mr. SPEAKER: May I know when this occurrence took place?

Mr. M. SHAMSUDDIN AHMED: The police had gone from house to house—

Mr. SPEAKER: I want to know, when.

Mr. M. SHAMSUDDIN AHMED: Day before yesterday.

Mr. SPEAKER: I am afraid I must rule the motion out of order on the ground that though the notice of it was given on the 5th of August, Mr. Shamsuddin now refers to an incident which occurred only day before yesterday. If, however, Mr. Shamsuddin will give fresh notice, specifically mentioning the period within which certain

specific acts of intimidation took place, I shall be prepared to consider it. As at present, it seems you are not particularly sure of the date when the incident took place.

The Hon'ble Khwaja Sir NAZIMUDDIN: What is more, Sir, I forgot to raise one point. Mr. Shamsuddin had an opportunity to raise this question just after the notice was given, but he did not.

Mr. SPEAKER: No, he had no opportunity. But as I have already said, I am prepared to consider the matter further if Mr. Shamsuddin will give a fresh notice and will also give specific incidents which he wants to refer to and must also state that they are not the subject-matter of any judicial proceedings for the time being. But, for the time being, I have decided that it is not in order.

Mr. M. SHAMSUDDIN AHMED: Sir, the position is that the whole thing is continuing. The police are staying in the zamindar's kutchery and ransacking the villages——

Mr. SPEAKER: Mr. Shamsuddin, for the time being, I have given my ruling and I cannot allow you to proceed further with it

Mr. ABDUR RAHMAN SIDDIQI: Sir, I have also given notice of an adjournment motion, and I should like to know whether I have your permission to move it

Mr. SPEAKER: You have given it too late, and I have not given my consent to it

Enquiry regarding report of the Assembly Rules Committee.

Al-Haj Maulana Dr. SANAULLAH: May I enquire, Sir, as to when the new Rules and Standing Orders, as drafted by the Special Committee appointed for the purpose, will come into force after being formally approved by the House?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as the new rules are concerned, they have got to be placed before the Rules Committee for final approval There was a joint Conference with the President, the Speaker, and the members of Government in order that these rules may be in uniformity with the rules that were framed by the Legislative Council We wanted to have a uniformity in the rules of the Legislative Council and those of the Legislative Assembly on subjects which concern both the Houses. In such matters, the Legislative Council Committee have suggested certain modifications which I would like to place before the Rules Committee of the Assembly.

Mr. JOGESH CHANDRA GUPTA: But when will you do that?

The Hon'ble Khwaja Sir NAZIMUDDIN: Before the session comes to a close or immediately after.

Mr. JOGESH CHANDRA GUPTA: When does the session terminate?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know yet.

GOVERNMENT BILL.

The Bengal Dentists Bill, 1938.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the Bengal Dentists Bill, 1938, as amended by the Select Committee, be taken into consideration.

Sir, I sympathise with the general disinclination of the honourable members of this House to proceed with the humdrum work of legislation. Motions of adjournment are far more exciting, but I hope this very modest piece of legislation will go through without much controversy. I am taking this opportunity of detailing in brief the object of this Bill as neither at the time of introduction nor at the time of reference to the Select Committee were the objects of the Bill placed before the House.

The object of the Bill is to provide for the registration and control of dental practitioners in Bengal. A Committee of Enquiry was accordingly appointed in 1934 to advise Government in the matter. After careful consideration of the report submitted by this Committee, Government decided to undertake legislation.

The Bill seeks to lay down certain conditions for registration as a dental practitioner, but for the time being it does not prohibit the unregistered practitioner in the province from practising the profession. The Bill requires the provincial Government to establish a Board to be called the Bengal Dental Board, which will maintain the register of registered dental practitioners, will recognise with the approval of Government the Dental Colleges and Schools and take disciplinary action in connection with registered dental practitioners.

The qualifications required of a practitioner to entitle him to be borne on the register of registered dental practitioners are set forth in the Schedule appended to the Bill. The Provincial Government is to be given power to recognise, on the recommendation of the Dental Board, other qualifications which may be later brought on to the Schedule.

For the protection of existing practitioners, it is proposed that any person who has been in actual practice in dentistry in Bengal for five or more years previous to the passing of the Act shall be eligible for registration within a period of one year. Dental practitioners who have been in practice for a shorter period shall have to pass, within a period of five years from the commencement of the Act, a special examination to be held by the State Medical Faculty of Bengal in the manner to be prescribed by the provincial Government.

The licentiateship of Dental Surgery will be conferred by the State Medical Faculty of Bengal on the results of examinations to be held by it in the manner to be prescribed by Government. Pending such conferment of the licentiateship of Dental Surgery by the State Medical Faculty of Bengal, the licentiates in Dental Surgery of the Calcutta Dental College and Hospital will be recognised.

The Board will have power to make rules for carrying out the purposes of the Act except that all rules regarding finances (e.g., levy of fees, etc.) will be made by Government to whom also appeals against the decision of the Board regarding registration matters shall lie.

I may inform the House that this Bill is the product of the joint deliberations of those practising in dental surgery and those of the medical profession. I hope, Sir, that this Bill will commend itself to the House, and that the amendments that have been tabled will be withdrawn.

Dr. NALINAKSHA SANYAL: With that in view I did send some motions also, but unfortunately for some technical reasons I find that those motions cannot be taken up. The whole question of controlling and regulating the profession of dentistry in Bengal has been under consideration for the last 17 years. The desirability of registration of dentists was recognized by the members of the General Medical Council of the United Kingdom practising in Bengal as early as 1917, when Dr. Taylor first suggested it. Ever since the question of registration has been before experts from time to time, and ultimately the Government in 1935, rather the end of 1934 August 1934, appointed a Committee to investigate into the problems connected therewith. The direction given to that Committee consisted not merely investigation into the question of registration, but also with regard to the proper arrangements for training medical men and other people in the science of dentistry and dental surgery and also the question of preventing quacks from creating a havoc in the rural as well as in the urban areas. So, the questions that were to be discussed and controlled or regulated by a Bill of this nature were of three kinds, namely, registration, education, and prevention of practising by quacks.

So far as the present Bill is concerned, I find that apart from registration, the other two and more important points have not been touched at

all. I submit, Sir, that so long as Government do not make provisions for preventing unauthorized persons with no training whatever in the art of dentistry operating upon unwary public, particularly of the poorer section, a Bill of this nature will serve no useful purpose. It may be argued that even with regard to the ordinary medical practitioners in Bengal, there is no restriction of quacks in the practice of allopathy or western medicine as such. I beg to point out in reply thereto that this has been an anomaly to which the public of Bengal and particularly the medical men have drawn attention from time to time. Even as late as November last year, the Bengal Provincial Medical Conference passed a resolution to this effect, "That the Government of Bengal be approached to enact proper legislation prescribing strong measures for the suppression of the practice of the Western system of medicine by the quacks." The Indian Medical Conference also had similar resolutions passed. The problem before us is not merely the problem of collecting some fees or revenues from those who are good boys, that is those who would like to be registered, but the real problem is how to stop those who are bad boys, that is those not sufficiently qualified for exercising their skill, or absence of skill upon the public. If that is not contemplated, no useful purpose can possibly be served by registration alone. Therefore, Sir, I oppose the motion for consideration of the Bill.

In the second place, I have to submit that this Bill was not circulated for eliciting public opinion, and therefore we have not been able to obtain expert or other opinion in this connection. What little expert opinion we have, is through the special enquiry that Government instituted in 1934-35, and the Committee that was then appointed—a committee of experts—did report, Sir, that a Dental Registration Act should be passed through the then Legislative Council. This Dental Registration Act was to restrict the practice of dentistry in Bengal to those whose qualifications reach the standard required by the Board, to those who have been in regular practice in Bengal for five or more years previous to the passing of that Act, and to those who have been in regular practice in Bengal for less than a period of five years mentioned above as have passed the special examination to be held under the auspices of the Board. So, they were very specific, and the experts also had agreed to institute some kind of examination, and some arrangements also were recommended for training. None of these valuable recommendations find place in the present Bill. It might be argued that the time is yet inopportune for such restrictive provisions being adopted. To that my reply is that while the Bengal Medical Act was passed in 1914, the number of qualified medical practitioners who got registered in 1915 was only 1,230, in 1937 the number of qualified medical practitioners on the Register of Bengal alone was 11,678, and there were at least 500 more persons practising in Bengal who were either registered in Great Britain in the British Register or registered in other provinces.

All of t[illegible] medical men have more or less some knowledge of dentistry, because the schools as well as the medical colleges have in their course some kind of teaching of dentistry, although not of the very highest order; so that immediately we have available nearly 12,000 medical men as well as a number of medical practitioners who have specialised in dentistry in the city and outside. There should not be any dearth of duly qualified medical men to succour to the needs of the people at the moment if restriction is observed with regard to quacks particularly with regard to those Chinese and other itinerant foreigners who come here for a number of months, and after getting some money in the rural areas and urban areas by practising careless dentistry get back to their country. Nobody can touch them or make them responsible for what they do, and, it is something akin to the Kabuli *sahum* in regard to money-lending. I submit that so long as that is not stopped, legislation of this nature should not be rushed through. I have also to point out, Sir, that the Bill that we have before us does not contemplate reciprocal advantages for those who get qualified in Bengal, who get due qualifications from the University or from the eventual State Medical Faculty in Bengal, to obtain privileges of registration either in Great Britain or in any other country or province. This is a very essential point that has got to be carefully considered. We know how there was a great amount of tussle between the British Medical Council and the Indian Medical Council for some time past over the question of reciprocal recognition, and unless we get reciprocal assurance from such foreign countries whose degrees or whose training we are going to recognise for permitting people trained or holding such degrees to practise in Bengal, unless adequate assurance is forthcoming that they in their turn will give our boys similar privileges to practise in their respective countries,—I submit, Sir, that we should not accept such degrees, and we should rather proceed on some kind of examination locally, to enable them to practise in this province. I, therefore, request the Hon'ble Minister in charge to pause and ponder if he is really well advised to push through this legislation in its present form. It is universally recognised that the Bengal Medical Act of 1914 is quite out of date. To model the present legislation on that Act is a great mistake. Things have improved considerably within this period. We have before us the British Act controlling and regulating the dentists and dentistry in Great Britain. I would most respectfully submit that that Act should be our guiding star rather than the Act which has been drafted by a certain official on the basis of meagre knowledge of the working in other countries during recent years. I would very much like certain alterations being introduced, but I am precluded from proposing amendments because of certain restrictions under the rules and under the Government of India Act. I, therefore, request the Hon'ble Minister and the House to very carefully consider the points raised and to refer the Bill back for further consideration and, in the meantime, the Hon'ble

Minister will do well either to withdraw the Bill in its present form o to allow the motion for opposition to be pasesd without a division.

Sir, I have the painful necessity of opposing the motion moved by the Hon'ble Minister in charge of Public Health, much though I desire to welcome legislation for regulating the profession of dentists. I had carefully examined the provisions of this enactment and had tried honestly to see if an improvement could be effected by proposing amendments here and there.

(At this stage the Hon'ble Mr. H. S. Suhrawardy rose to speak.)

Mr. SPEAKER: No reply is necessary, Mr. Suhrawardy.

Dr. NALINAKSHA SANYAL: Should not we have a reply from the Hon'ble Minister? He rose to speak, Sir.

Mr. SPEAKER: It is his own motion, and no reply is necessary.

The question before the House is that the Bengal Dentists Bill, 1938, as reported by the Select Committee be taken into consideration.

The motion was then put and agreed to.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that this matter should be discussed in the House?

Mr. SPEAKER: Nobody was willing to discuss it.

Dr. NALINAKSHA SANYAL: But the Hon'ble Minister got up to reply.

Mr. SPEAKER: That is not discussion. We will now take up the Bill clause by clause.

Clause 1.

Mr. SPEAKER: The question before the House is that clause 1 stand part of the Bill.

The motion was then put and agreed to.

Clause 2.

Mr. SPEAKER: The question before the House is that clause 2 stand part of the Bill.

The motion was then put and agreed to.

Clause

Mr. SPEAKER: The question before the House is that clause 3 stand part of the Bill.

The motion was then put and agreed to.

Clause 4.

Mr. SPEAKER: Dr. Mukherji, do you want to move your motion?

Dr. SHARAT CHANDRA MUKHERJI: Yes, Sir. I beg to move that in clause 4 (*b*), the words "five years" be omitted.

Mr. SPEAKER: I am afraid that your motion is not in order. This amendment makes the clause meaningless.

Dr. NALINAKSHA SANYAL: Move the second one. Delete the first one.

Dr. SHARAT CHANDRA MUKHERJI: Sir, I beg to move that in clause 4 (*b*), line 1, for the words "five years" the words "three years" be substituted.

Mr. DHIRENDRA NATH DATTA: Sir, I have got a similar motion to Dr. Mukherji's motion.

Mr. SPEAKER: I shall put all the motions together.

Dr. SURESH CHANDRA BANERJEE: Sir, I beg to move that in clause 4 (*b*), in line 1, for the words "five years" the words "two years" be substituted.

Mr. SPEAKER: Dr. Mukherji, are you moving your motions?

Dr. SHARAT CHANDRA MUKHERJI: Yes, Sir. I beg to move that to clause 4 (*b*), (*b*), the words "one of whom shall be a medical licentiate" be added at the end.

I also beg to move that in clause 4 (*b*), line 1, for the words "five years" the words "three years" be substituted.

Mr. SPEAKER: Dr. Banerjee, are you moving the motion standing in your name?

Dr. SURESH CHANDRA BANERJEE: Yes, Sir.

Mr. SPEAKER: Then please move all your motions one after another, Nos. 12, 13, 14, 15 and 16, but be as short as possible.

Dr. SURESH CHANDRA BANERJEE: Sir, I beg to move that in clause 4 (2), line 1, for the words "five years" the words "two years" be substituted.

I also beg to move that in clause 4 (2), line 2, after the words "consist of" the words "the following" be omitted.

I also beg to move that in clause 4 (2), line 2, after the words "nine members" the words "elected by and from among the registered dental practitioners" be inserted.

I also beg to move that in clause 4 (2), in line 4, after the word "Chairman" the word "namely" be omitted.

I also beg to move that in clause 4 (2), sub-clauses (*a*) and (*b*) be omitted.

Mr. Speaker, Sir, আমার প্রথম বলবার কথা এই যে the Bengal Dental Board গঠিত হলে—এই Bengal Dentists Act এ এই নিয়ম করা হয়েছে যে যাঁরা এর সভ্য হবেন কিম্বা যাঁরা এর সভাপতি হবেন, তাঁদের ৫ বছরের জন্য গভর্ণমেন্ট মনোনীত কোরবেন। এ সম্বন্ধে প্রথমত আমি এই কথা বোলবো যে আমরা বর্তমানে গণতান্ত্রিক যুগে বাস কোরছি। গভর্ণমেন্ট কর্তৃক মনোনয়ন গণতন্ত্রের সম্পূর্ণ বিরোধী, সুতরাং যতটা সম্ভব আমাদের মনোনয়ন প্রথা বন্ধ কোরে দিতে হবে। তবে কতকগুলি অবস্থায় বাধ্য হয়ে মনোনয়ন প্রথা রাখতে হয় যেমন কোন একটা বোর্ড নূতন গঠিত হলে নির্ব্বাচনের কোন ব্যবস্থা থাকে না সেই জন্য কিছুদিনের জন্য মনোনয়ন প্রথার অনুসরণ কোরতে হয় কিন্তু সেই মনোনয়নও মাত্র ততদিনের জন্যেই প্রয়োজন যতদিন যাবা নির্ব্বাচন কোরবে সেই নির্ব্বাচক মণ্ডলী গঠিত না হয়। বর্তমান ক্ষেত্রে আমরা ধরেনিতে পারি যে দু বছরের ভিতর এত অধিক সংখ্যক নির্ব্বাচক মণ্ডলী হবে এবং Dentist ও registered এত হবে যে ৫ বছর পর্য্যন্ত nomination ধোরে রাখা ঠিক হবে না। তাছাড়া ৫ বছরের জন্য এরকম একটা body ধোরে রাখা যুগপরিপন্থী। সেই জন্য House কে এবং মাননীয় মন্ত্রীমহাশয়কে অনুরোধ কোরছি যে ৫ বছরের জায়গায় দু বছর যেন মেনে নেন। তিন বৎসর—সংশোধনের প্রস্তাব শরৎ বাবু ও ধীরেন বাবু কোরেছেন তাঁদের ও আমি অনুরোধ কোরছি তারাও যেন আমার এই ৫ বছরের স্থানে দুই বছর সংশোধনের প্রস্তাব মেনে নেন। তার পরে যখন দু বছর অতিবাহিত হোয়ে যাবে তখন কি ভাবে নির্ব্বাচন হবে——তাই এখন আমাদের বিবেচ্য বিষয়। মূল প্রস্তাবে বলা হয়েছে—যে ৯ জন সভ্য নিয়ে the Bengal Dental Board গঠিত হবে—তার মধ্যে ৭ জন হবে Dental practitioners দের মধ্যে থেকে আর দুজনা হবে Registered medical practitioners দের মধ্য থেকে। আমি বুঝতে পারছি না কেন medical practitioners দের এর মধ্যে টানা হয়েছে। বোর্ডের সকল সভ্যই Registered Dental Practitioners মধ্যে থেকেই নির্ব্বাচিত হওয়া দরকার। যদি Registered medical practitioners দের মধ্যে থেকে দুজনা নেওয়া হয় তাহলে Dental Practitioners দের প্রতি অন্যায় করা হবে। তাই আমার সংশোধনী প্রস্তাব এই যে—যে ৯ জন সভ্য নির্ব্বাচিত হবে তারা সকলেই Dental Practitioners দের মধ্যে থেকে নির্ব্বাচিত হবে। আমি যে কয়টী সংশোধন প্রস্তাব এখানে উপস্থিত করেছি এই হলো তার মূল কথা, আশা করি আপনারা সকলে আমার এই সংশোধন মেনে নেবেন।

Dr. SHARAT CHANDRA MUKHERJI:

এ সম্বন্ধে আমি এই কথা বলিতে চাই যে কোন একটা নূতন organisation এ যদি দীর্ঘকালের জন্য কোন দায়িত্বপূর্ণ কাজ আমাদের ঘাড়ে ফেলে রাখা যায় তাহলে সাধারণত দেখিতে পাওয়া যায় যে কিছুদিন পরে আমাদের ভিতর একটু শৈথিল্য আসিয়া পড়ে, আমরা ভালো করিয়া কাজ করিতে পারি না। এই অভিজ্ঞতা আমরা মুনিশিপালিটি, ডিষ্ট্রিক্ট বোর্ড, লোকাল বোর্ড ইউনিয়ন বোর্ডএর ব্যাপারের ভিতর দিয়ে অর্জন করিয়াছি। তাছাড়া অন্যান্য যাঁহারা এই বোর্ডের মধ্যে আসিতে চান এবং আসিবার যাঁদের অধিকারও রয়েছে তাঁদের যাহাতে বঞ্চিত কোরে রাখা না হয় সেই জন্য আমি বলিতে চাই যে ৫ বছরের জায়গায় তিন বছর যদি করা হয় তাহলে তিন বছর পরে পরে অনেক লোক আসিতে পারিবেন, এবং তাঁদের দায়িত্ব অনুসারে তাঁরা কাজও কোরিতে পারিবেন। এই কথা বলিয়া আমি আমার motion উপস্থিত করিতেছি।

Mr. DHIRENDRA NATH DATTA: With reference to clause 4, it has been stated that for the first 5 years, the Board shall consist of appointed members. My amendment is that instead of the word "five", it should be "three". I want that the appointed members should not remain on the Board for more than three years. It is not desirable that the appointed members should remain on the Board for more than three years. I want that after a lapse of three years, the appointed members shall cease to be members and the members shall be elected; so I want that instead of the word "five" the word "three" should be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: I regret I have to oppose the amendments. The argument for altering the term "five years" cannot be upheld as, apart from the fact that it was supported by the unanimous opinion of the Select Committee, you must give the new Board a chance; they are going to create something, they are going to look into several matters and settle the education, the examination and the question of registration of dental practitioners and if you change the Board after two or three years, I am afraid, it will not be able to function satisfactorily. I may inform the House, and no doubt some of the honourable members are aware, that there is a general tendency at the present moment to increase the life of elected bodies so that they may be able to carry on their policy to a successful conclusion.

An amendment has been moved that one of the two registered medical practitioners in section 4 (1) (b) should be a medical licentiate. There is no reason why one should not be a licentiate, but there is also no reason why, if we get two eminent medical practitioners, we should be compelled to take one medical licentiate who may not be as competent as one whose services we may be able to procure.

Dr. Suresh Chandra Banerjee has further moved that of the 9 members, all of them should be elected from amongst the registered dental practitioners. Now, I find that if we are to follow the guiding star of Dr. Sanyal, namely, the British Dentists Act of 1921, the General Council of Medical Education and Registration is represented by three members of the British Dental Board and I do not think that it will be

a very great hardship or injustice on registered dental practitioners if registered medical practitioners elected by the Medical Council co-operate with them. For these reasons, I oppose the various amendments.

Mr. SPEAKER: The question before the House is that in clause 4 (1), line 1, for the words "five years" the words "three years" be substituted.

The motion was then put and lost.

Dr. Suresh Chandra Banerjee's amendment that in clause 4 (1), in line 1, for the words "five years" the words "two years" be substituted, was then put and lost.

Dr. Sharat Chandra Mukherji's amendment that in clause 4 (1) (b), the words "one of whom shall be a medical Licentiate" be added at the end, was then put and lost.

Dr. Sharat Chandra Mukherji's amendment that in clause 4 (2), line 1, for the words "five years" the words "three years" be substituted, was then put and lost.

Dr. Suresh Chandra Banerjee's amendment that in clause 4 (2), line 1, for the words, "five years" the words "two years" be substituted, was then put and lost.

Dr. Suresh Chandra Banerjee's amendment that in clause 4 (2), line 2, after the words "consist of" the words "the following" be omitted, was put then and lost.

Dr. Suresh Chandra Banerjee's amendment that in clause 4 (2), line 2, after the words "nine members" the words "elected by and from among the registered dental practitioners" be inserted was then put and lost.

Dr. Suresh Chandra Banerjee's amendment that in clause 4 (2), in line 4, after the word "Chairman" the word "namely" be omitted, was then put and lost.

Dr. Suresh Chandra Banerjee's amendment that in clause 4 (2), sub-clauses (a) and (b) be omitted was then put and lost.

Clause 4

Mr. SPEAKER: The question is that clause 4 stand part of the Bill. The question was then put and agreed to.

Clause 5.

Mr. SPEAKER: The question is that clause 5 stand part of the Bill. The question was then put and agreed to.

Clause 6.

Mr. SPEAKER: The amendment of Dr. Sharat Chandra Mukherji is out of order.

Mr. SPEAKER: The question is that clause 6 stand part of the Bill.

The question was then put and agreed to.

Clauses 7, 8, 9, 10 and 11

Mr. SPEAKER: The question is that clauses 7, 8, 9, 10 and 11 stand part of the Bill.

The question was then put and agreed to.

Clause 12

Dr. SURESH CHANDRA BANERJEE: I beg to move that in clause 12 (3) in lines 8 and 9, for the words "State Medical Faculty of Bengal" the words "Bengal Dental Board" be substituted.

Mr. Speaker Sir, আমার এই সংশোধনের মর্ম্ম এই যে Dental Board স্থলে কোন কোন dental practitioner এই বোর্ডের সভ্য হতে পারবে সেটা বলা দরকার। বিলে বলা হয়েছে যে ৫ বছর Practice যাদের চালাই সভ্য হতে পারবে, আর যাদের practice ৫ বছর হয় নাই তাদের একটা পরীক্ষা দিতে হবে এই পরীক্ষা দিতে হবে কাদের কাছে। State Medical Faculty of Bengal বোর্ডে যে medical বোর্ড তার কাছে। সুতরাং dental practitioners বা, প্রবীণ দাঁতের চিকিৎসকেরা, পরীক্ষা দেবে দাঁতের চিকিৎসকদের তুলা যে বিশেষ বোর্ড আমরা গঠন করেছি সে বোর্ডের কাছে না, তার বাইরেকার ডাক্তারদের দ্বারা গঠিত একটা medical faculty র কাছে। সাধারণ মানুষ এই ধরণ ভাববে যে দাঁতের যারা চিকিৎসক তাদের পরীক্ষা হচ্ছে Dental Board এর কাছে, এবং আমার সংশোধন হচ্ছে। আমি বুঝতে পারছি না কেন Medical Board কে এখানে টেনে আনা হয়েছে, এর কোনই না Dental Board কে তার অধিকার থেকে বঞ্চিত করে সে অধিকার Medical Board কে দেওয়া হয়েছে। Mr. Speaker Sir, এ চিকিৎসা এত সহজ যে বিশেষ কোন যুক্তি তর্ক করতেও সকলেরই [illegible] আমার বিশ্বাস সকলেই আমার এই সংশোধন গ্রহণ করবে Dental Board এর যে [illegible] করবেন।

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, Sir, that this amendment has been moved under a misapprehension. The Bengal State Medical Faculty of Bengal has got an Examination Faculty and has got a machinery for examination. The Bengal Dental Board has got no machinery, and a machinery will, therefore, have to be created, which will be very expensive. The Registration Committee and the Bengal Dental Board Committee recommended that Dental Examination should be conducted by the State Medical Faculty and diplomas granted by it, and I submit that we should stick to the recommendation.

of the Enquiry Committee. I hope, therefore, that the honourable member will withdraw his motion.

The motion was then put and lost.

Mr. SPEAKER: The question is that clause 12 stand part of the Bill.

The question was then put and agreed to.

Clauses 13, 14 and 15.

Mr. SPEAKER: The question is that clauses 13, 14 and 15 stand part of the Bill.

The question was then put and agreed to.

Mr. SPEAKER: I am not sure whether this amendment is in order. Have you anything to say, Mr. Suhrawardy?

The Hon'ble Mr. H. S. SUHRAWARDY: It is really outside the scope of the Bill, and I have some doubts as to whether the previous sanction of His Excellency the Governor under section 119 of the Government of India Act is necessary or not to the moving of this amendment.

Mr. SPEAKER: It also strikes me as such.

The Hon'ble Mr. H. S. SUHRAWARDY: I have not been able to make up my mind about the admissibility of this amendment, and, therefore, I would give the benefit of the doubt to the honourable member who has tabled this amendment.

Mr. SPEAKER: Mr. Kundu, I hope you will be very brief, for I have to adjourn the House shortly for prayer.

Mr. NISHITHA NATH KUNDU: Sir, I beg to move that after clause 15, the following new clause be added, namely:—

"15A. A person not registered but practising as a dentist shall not take, or use or affix to, or use in connection with, his premises, any other title or description which is calculated to suggest that he possesses any professional status or qualifications which he in fact does not possess."

In support of this amendment, Sir, I have nothing more to say than what I have already stated in my minute of dissent in the Select Committee's Report. In this Bill, there is a provision for preventing——

Mr. SPEAKER: Mr. Kundu, Mr. Suhrawardy has just given me the draft of an amendment which is akin to yours. His draft amendment is as follows:—

> Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree or diploma or licence or certificate or any qualification with regard to dental surgery shall be punishable to the extent of Rs. 250.

Will you be satisfied with that amendment?

Mr. NISHITHA NATH KUNDU: Yes, Sir. In that case I would be prepared to withdraw my amendment.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Should not that come in after clause 23?

Mr. SPEAKER: Yes.

The amendment of Mr. Nishitha Nath Kundu, namely, that after clause 15, the following new clause be added, namely:

> "15A. A person not registered but practising as a dentist shall not take, or use or affix to, or use in connection with, his premises, any other title or description which is calculated to suggest that he possesses any professional status or qualifications which he in fact does not possess."

was, by leave of the House, withdrawn.

Clauses 16, 17, 18, 19, 20, 21 and 22.

Mr. SPEAKER: The question is that clauses 16, 17, 18, 19, 20, 21 and 22 stand part of the Bill.

The question was then put and agreed to.

Clause 23.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that before clause 23, the following be added:—

> Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree or diploma or licence or certificate or any qualification with regard to dental surgery shall be punishable to the extent of Rs. 250.

The amendment of the Hon'ble Mr. H. S. Suhrawardy, namely, "Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree or diploma or licence or certificate or any qualification with regard to dental surgery shall be punishable to the extent of Rs. 250", was then put and agreed to.

The question that clause 23, as amended, stand part of the Bill, was then put and agreed to.

Clauses 24, 25, 26 and 27.

Mr. SPEAKER: The question is that clauses 24, 25, 26 and 27 stand part of the Bill.

The question was then put and agreed to.

The Schedules.

Dr. SURESH CHANDRA BANERJEE: I beg to move that in the Schedule in Part I—Indian List—item No. 1 be omitted.

I beg also to move that in the Schedule in Part I—Indian List—in item No. 3 in line 3, after the words "engaged in the" the word "exclusive" be inserted.

I beg further to move that in the Schedule in Part I—Indian List—in item No. 3 in line 3, all the words after the words "practice of dentistry" be omitted.

I beg also to move that in the Schedule in Part II—Foreign List—in item No. 2 in line 2, after the words "in the country" the words "or to appear at the State Board Examination" be inserted.

Mr. Speaker, Sir, এখন যা মূল প্রস্তাবে আছে, আর আমার যা সংশোধন তার মধ্যে পার্থক্য কি সেটা সংক্ষেপে আমি আপনাদের বোঝাবো। মূল প্রস্তাবে বলা হয়েছে যে আমরা এখনই এই আইনদ্বারা কলিকাতায় যে একটা কলেজ আছে যার নাম the Calcutta Dental College and Hospital, সেই কলেজ এবং হাসপাতাল থেকে যাঁরা লাইসেন্স, ডিপ্লোমা বা সার্টিফিকেট পাবেন তাঁদের পক্ষে আর কিছুই লাগবে না। Dental Board এর অধীনে আরো ৮।১টা স্কুল ও কলেজ থাকা দরকার কিন্তু Dental Board স্থাপনের পূর্বেই এমন একটা কলেজকে মানা হলো আইনের দ্বারা যে কলেজ সম্বন্ধে আমরা কিছু জানি না। সে কলেজে শিক্ষা কি রকম দেওয়া হয়। সেখানে রোগীদের থাকবার ব্যবস্থা কি রকম, সেখানে অস্ত্রোপচার কি রকম আছে, যন্ত্রপাতিই বা কি আছে না আছে আমরা কিছুই তার জানি না। এমন আমরা আমাদের এই অজানা অবস্থায়ও সেই কলেজ থেকে যারা লাইসেন্স পাবে ডিপ্লোমা পাবে বা সার্টিফিকেট পাবে তারা বিনা বাধায় Bengal Dental Board এর member হতে পারবে এইটা বলে দিচ্ছি। আমরা কেন এই কলেজকে এই ভাবে মেনে নিচ্ছি? অনেক সময় মনে হয় এই মানার পিছনে আরো অনেক অর্থ আছে যা এই আইনে নাই। আমরা এই আইনের দ্বারা একটা Dental Board গঠন কোরছি—আমরা সেই বোর্ডকে অধিকার দিতে পারি যে বাংলায় যে সমস্ত Dental medical স্কুল বা কলেজ আছে তাদের পরীক্ষা বোর্ড কোরতে পারেন এবং ইচ্ছা কোরলে অন্য Dental College ও স্থাপন কোরতে পারেন। কিন্তু যে কলেজকে আমরা জানি না যার সম্বন্ধে কোন পরিচয় নাই, সেই

কলেজকে কোন একটা আইনের দ্বারা মেনে নেওয়ার পিছনে কোন গূঢ় অর্থ আছে কি না জানি না। আমার মনে হয় এর পিছনে একটা গূঢ় অর্থ আছে। এরকম ভাবের দ্বারা এইটাই বোঝা যায়।

Mr. Speaker, Sir, আমি আপনার মারফতে এই House কে অনুরোধ করছি যে এমন একটা বিষয়ে ভোটের দ্বারা আইন পাশ যেন এই হাউস না করেন—যে সম্বন্ধে এ হাউসের কোন অভিজ্ঞতা নাই। অতএব Schedule No. I এ Calcutta Dental College and Hospital সম্বন্ধে যা কিছু আছে সেটা মেনে নেওয়া ঠিক হবে না। তারপর, Registered হবার অধিকার সম্বন্ধে আমার বক্তব্য এই যে—কলকাতায় যারা খালি dental practice করেন তাদেরই এই অধিকার থাকা দরকার। যাঁরা চোখের চিকিৎসা, কানের চিকিৎসা প্রভৃতি নানা চিকিৎসার সঙ্গে সঙ্গে দাঁতের চিকিৎসা করেন তাঁদেরও সে অধিকার থাকা উচিত নয়, অথচ আইনে তাঁদেরও অধিকার দেওয়া হয়েছে। সেইজন্য আমি বলেছি যে—যাঁরা দাঁতের চিকিৎসা করেন মাত্র তাঁদেরই অধিকার থাকবে। আমার তৃতীয় কথা হচ্ছে——

Mr. SPEAKER: Dr. Banerjee, I think you should speak your third word later on.

At this stage the House was adjourned for 15 minutes.

(After adjournment.)

Dr. SURESH CHANDRA BANERJEE:

আর তৃতীয় point টা technical এখানে লেখা হচ্ছে British Indian Subjects holding foreign dental qualification, which entitle them to practise in the country তার পরেই "or to appear at the State Board Examination" আমি insert করতে চাই এই জন্য যে বিদেশে গিয়ে dental qualified হলেই সেখানে practice করতে পারে না। সেখানকার একটা State পরীক্ষা আছে সেই পরীক্ষায় পাশ করতে পারলে তবে সেখানে practice করতে পারে। বোর্ডের নিকট পরীক্ষা দিয়ে তবে এখানে practice করতে পারে সেই জন্য আমি এটা পূরণ করবার জন্য এই amendment করেছি।

Dr. NALINAKSHA SANYAL: May I enquire of the Minister in charge at this stage whether in part of under the Foreign Law after 1921, it is a printing mistake? There is a full stop, Sir, but I think it should be a colon. Because that would make the meaning different and what we really want. If it is a colon, we would take it that the proviso towards the end would cover both the first as well as the second sub-clauses. That would make the meaning very much clearer, and I think that would be the spirit which the Hon'ble Minister himself would welcome.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, answering the last point first, I am sorry that it is not a mistake. It is a full stop, not a colon or a semi-colon. Nevertheless, I am prepared to examine the question as to whether the proviso could not also apply to paragraph (1), and if I find that there are no difficulties on the way, then I should be prepared to amend the Bill at a subsequent stage so as to make the proviso apply to paragraph (1).

Now, Sir, I regret again that I cannot see eye to eye with Dr. Suresh Chandra Banerjee. If we delete paragraph (1) of the Schedule, it would really mean that no one can be registered for some considerable time to come. He says that there is no reason why a licence, diploma or certificate granted by the Calcutta Dental College and Hospital should be accepted, and he seems to view with suspicion the fact that Government has made an exception in favour of this institution. Well, Sir, I will not reciprocate by holding any similar suspicion regarding the amendment moved by Dr. Banerjee, but I will merely like to tell him that before this was done Government took every possible steps for the purpose of ascertaining the qualifications of this college and hospital, and was satisfied that the standard of education was high enough to merit this distinction. The Committee which went into the matter has also reported that the standard of education in this Dental College and Hospital is quite high. They have reported very favourably and they themselves have suggested that their licence or certificate should be recognized.

I am opposing Dr. Banerjee's motion that the word "exclusive" be inserted after the words "engaged in the" in item 3, in line 3, because I see no reason why general medical practitioners should also not be allowed to register themselves in the practice of dentistry in Bengal.

With regard to the last amendment for the insertion of "or to appear at the State Board Examination" after the words "in the country" in item No. 2 in line 2, I cannot quite understand, Sir, exactly what it means, if it means the State Board Examination of this place or some other foreign place. We do not know for instance whether there are State Board Examinations in Paris, or Michigan or Utah or Ohio.

Mr. SPEAKER: The question before the House is the motion of Dr. Suresh Chandra Banerjee that in the Schedule in Part I—Indian List—item No. 1 be omitted.

The motion was then put and lost.

Mr. SPEAKER: The question before the House is the motion of Dr. Suresh Chandra Banerjee that in the Schedule in Part I—Indian List—in item No. 3, in line 3, after the words "engaged in the" the word "exclusive" be inserted.

The motion was then put and lost.

Clause 26.

Mr. SPEAKER: The question before the House is the motion of Dr. Suresh Chandra Banerjee that in the Schedule in Part I—Indian List—in item No. 3, in line 3, all the words after the words "practice of dentistry" be omitted.

The motion was then put and lost.

Mr. SPEAKER: The question before the House is the motion of Dr. Suresh Chandra Banerjee that in the Schedule in Part II—Foreign List—in Item No. 2, in line 2, after the words "in the country" the words "or to appear at the State Board Examination" be inserted.

The motion was then put and lost.

The Schedule.

Mr. SPEAKER: The question before the House is that the Schedule stand part of the Bill.

The motion was then put and agreed to.

Preamble.

Mr. SPEAKER: Dr. Banerjee, your motion regarding the Preamble is not in order; nor is your next motion regarding the long title in order.

The question before the House is that the Preamble stand part of the Bill.

The motion was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the Bengal Dentists' Bill, as settled in the Assembly, be passed.

Mr. SPEAKER: The question before the House is that the Bill, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Bengal Tanks Improvement Bill, 1938.

Mr. SPEAKER: As regards the next item I find that there are lots of amendments. Sir Bijoy, do you want to take up your Bill at this late hour?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Just as you please, Sir.

Dr. NALINAKSHA SANYAL: Sir, let us adjourn till day after to-morrow.

Mr. SPEAKER: We have no sitting to-morrow. We will now adjourn till the day after to-morrow.

Adjournment.

The House was then adjourned till 4-45 p.m. on Friday the 19th August, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 19th August, 1938, at 4·45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 220 Members.

STARRED QUESTIONS

(to which oral answers were given)

Promotion of Muslim clerks in the Judge's Court, Noakhali.

***103. Maulvi MUHAMMAD IBRAHIM:** (a) Will the Hon'ble Minister in charge of the Legislative and Judicial Department be pleased to state the number of clerks promoted to the upper division in the Judge's Court, Noakhali, in 1938 showing the number of Muslims as against non-Muslims at present?

(b) Are the Government aware that the claims of senior Muslim clerks, whose promotion was due at the time, were overlooked and preference shown to non-Muslims?

MINISTER in charge of the LEGISLATIVE and JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) Three clerks were promoted to the upper division in the year 1938, of whom one is Muslim and 2 are non-Muslims.

(b) No claims were overlooked but the claims of some senior Muslims as well as of some senior non-Muslim clerks were passed over for their inefficiency, bad record of service or physical incapacity. The number of clerks in the upper division of the Judge's Court at Noakhali on the 5th August, 1938, was Muslims 5 and non-Muslims 12; on the same date last year the respective numbers were 4 and 13.

Number of commissions in civil courts in Noakhali district.

*104. **Maulvi MUHAMMAD IBRAHIM:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing for the period during April 1934 to March 1938—

(a) the number of commissions issued in each of the civil courts of the Noakhali district;

(b) the names of pleaders who received the commissions, and

(c) the amount drawn by each of them?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: A statement showing the names of pleaders Civil Court commissioners of Noakhali district and the amount drawn by each of them during the years 1935-36, 1936-37 and 1937-38 is laid on the Library table I regret that all the information requested is not readily available and cannot be ascertained without disproportionate expenditure of time and labour

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় দয়া করে জানাবেন কি তিনি বোলেছেন যে এ সমস্ত information readily available নয়, কোর্টের রেকর্ডে কি এ সব জিনিষ নাই?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: This may be in the records of the Court but the difficulty is to collect the information from the records

Muslim prayer room in the High Court.

*105. **Maulvi WALIUR RAHMAN:** (a) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(i) whether midday recess is allowed from 12 to 2 p.m. in the High Court on Fridays to all the Muslim employees of the High Court; and

(ii) whether all the Benches of the High Court adjourn at 12 to 2 p.m. on Fridays in order to enable the Muslim lawyers to perform their obligatory prayers?

(*b*) If the answer to (*a*) (*ii*) is in the negative, is the Hon'ble Minister considering the desirability of issuing immediate orders to that effect?

(*c*) Will the Hon'ble Minister be pleased to state whether the room provided on the second floor of the High Court for Friday prayers can accommodate all the Muslim employees and lawyers of the High Court?

(*d*) If the answer to (*c*) is in the negative is the Hon'ble Minister considering the desirability of making suitable arrangements as early as possible either on the open roof or in a large room?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) An hour's leave is granted on Fridays to such Muhammadan employees in the Court's offices as desire to take it for the purpose of saying their *Jumma* prayers.

(*ii*) The Benches of the High Court do not suspend business on Fridays from 12 to 2 p.m.

(*b*) This is a matter entirely for the Court

(*c*) A room has been provided on the second floor of the Court for saying *Jumma* prayer No complaints have been received as to the insufficiency of accommodation

(*d*) Does not arise

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state if he is aware of the fact that the sitting of the High Court Benches from 12 to 2 p.m. on Fridays puts obstacle in the way of saying prayers by the Muslim lawyers of the Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: No such difficulty has so long been experienced

Maulvi TAMIZUDDIN KHAN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether Government would consider the desirability of drawing the attention of the High Court to this matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The more Muslim Advocates and Barristers would work in the High Court and have cases, the demand for suspension of Court's work would be greater, but unfortunately the number is very small now and they have not got many cases Therefore, I do not find sufficient reason for suspending the Court's work.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he would consider the desirability of seeing that such Benches do not sit from 12 to 2 p.m. on Fridays?

The Hon'ble Mr. A. K. FAZLUL HUQ: May I add to the answer given by the Hon'ble Judicial Minister by saying that in all cases on Fridays if Muslim lawyers ask for adjournment of their cases, that is always granted and no obstacle is put in the way of Muslim lawyers saying their Jumma prayers.

Grievances of the litigants of Civil Courts.

*106. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (a) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware—

(i) that urgent and important petitions are sometimes filed before the fixed adjourned date of hearing;

(ii) that it is the duty of the office clerk in charge of the records of pending cases to notify in Board and Office diary of pending cases as to what steps are taken by the Court on the prayers of those petitions, and

(iii) that the litigants are not informed by the office clerks of the steps taken by the Court on those petitions?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of making a thorough enquiry into the matter with a view to rectifying the procedure?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (a) (i) Yes.

(ii) Rule 31 of the Civil Rules and Orders contemplates disposal of petitions on the day they are filed and in cases where a reference is necessary to the record or other papers, on the following open day. If however petitions cannot be disposed of as thus contemplated and if a date for hearing is fixed, the procedure outlined in Rule 14 and form (M) 2 of the Civil Rules and Orders make it possible for the necessary information to be available to the parties and pleaders.

(iii) It is not the duty of office clerks to supply the information personally to the parties. The Daily Cause List in form (M) 2 has been prescribed with the object of making this information available to them and to avoid the necessity for personal communication between the Court staff and the public.

(b) Does not arise.

Appointment of Babu Nalini Ranjan Banikya Chowdhury as an Honorary Magistrate, Munshiganj Bench.

*107. **Maulvi ABDUL LATIF BISWAS:** (a). Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether there is any proposal to appoint Babu Nalini Ranjan Banikya Chowdhury as an Honorary Magistrate, for the Munshiganj Bench in the district of Dacca?

(b) Is the Hon'ble Minister aware that such a proposal from the present Subdivisional Officer, Munshiganj, was turned down only a few months ago by the then Additional District Magistrate of Dacca?

(c) If the answer to (b) is in the affirmative, what are the grounds on which the proposal was turned down?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (a) No such proposal has been received by Government.

(b) Government has no information.

(c) Does not arise.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether Government have enquired of the District Magistrate of Dacca if such a proposal actually came and was turned down?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I see no meaning in the honourable member's asking this question. The appointment lies with the Government and I do not understand what he means by Government going to the District Magistrate and asking for information.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether any enquiry was made from the District Magistrate of Dacca, and that such proposal was turned down and again such proposal has come up before the District Magistrate of Dacca?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not believe any answer is necessary at this stage.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state when the necessity of this answer will come in?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: When the matter comes up before Government.

Grant to the Pabna District Board for "Rural uplift".

*108. **Babu NARENDRA NARAYAN CHAKRABARTY:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(a) the amount which has been granted to the district of Pabna for "Rural uplift" up to this date; and

(b) the manner in which this grant is being disbursed?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (a) Rs. 50,791.

(b) The grant is being spent on the following objects:—

(1) improvement of rural water-supply;

(2) establishment of Union Board dispensaries;

(3) establishment of seed, paddy and crop demonstration centres;

(4) improvement of cattle, and

(5) provision of playground, village libraries and farms attached to schools and madrassahs.

Mr. ABDULLA-AL-MAHMOOD: Will the Hon'ble Minister be pleased to state on what basis this allotment for rural uplift was made?

The Hon'ble Mr. NALINI RANJAN SARKER: At the initial stage it was made on the basis of the population of the district.

Mr. PRAMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state how much of this sum is spent for rural water-supply?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if similar grants were made to other districts?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, to almost all districts.

Mr. ABDULLA-AL-MAHMOOD: Will the Hon'ble Minister be pleased to state if he is aware that in comparison with the needs of the district, this grant was too small?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, it may be too small for some districts.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if any such grant was made to the District Board of Bogra?

Mr. SPEAKER: That question does not arise as it does not refer to district boards.

Khan Bahadur MOHAMMED ALI: May I, Sir, draw your attention to the heading of the question?

Mr. SPEAKER: That is a mistake.

Appointments and recommendations made by the Public Service Commission.

***109. Dr. NALINAKSHA SANYAL:** With reference to the reply to starred question No. 296 of the 26th March, 1938, will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the number of cases where appointments have not been made in accordance with the recommendations of the Public Service Commission, although the Commission was consulted;

(*b*) the reason why the appointment to the post of Deputy Director of Industries could not be made according to the advice of the Public Service Commission;

(*c*) whether certain cases of promotion and transfer from one service to another as required under section 266 of the Act have not been referred to the Public Service Commission;

(*d*) whether the post of Secretary, Medical College, is one of the posts not governed by the regulations requiring reference to the Public Service Commission, and

(*e*) what are the cases in which the first nominations of the Public Service Commission have not been accepted by the Government?

The Hon'ble Mr. NALINI RANJAN SARKER: With reference to starred question No. 10 of the 29th July, 1938, to which an *ad interim* reply was given, a complete reply is laid on the table.

(*a*) Yes.

(*b*) Because Government thought that the person whom they appointed was better suited for the post.

(*c*) I am informed that there has been no such case.

(*d*) The post is a temporary one and as the person appointed to it was already in permanent civil employment a reference to the Public Service Commission was, under the provisions of rule 41 of the Bengal Public Service Commission Regulations, not necessary.

(*e*) Five cases, namely, the case of an Assistant Engineer in the Irrigation Department, the case of a Professor of Teachers' Training College, the case of selecting a candidate for training for the Bengal Forest Service, the case of the Professor of Economics at the Islamia College and the case of a District Inspector of Schools.

Mr. PRAMATHA RANJAN THAKUR: With reference to answer (*b*), will the Hon'ble Minister please state what were the grounds on which it was thought that the person whom Government appointed were better suited for the posts?

The Hon'ble Mr. NALINI RANJAN SARKER: It is not on one ground covering all the appointments but there were various grounds regarding various appointments.

Mr SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state when Government propose to circulate among members of this House the Annual Report of the Bengal Public Service Commission, which has just been printed by the Superintendent of Government Printing, and published from the Bengal Government Press?

The Hon'ble Mr. NALINI RANJAN SARKER: I have not yet placed the matter before the Cabinet, but I shall do so as early as possible.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) will the Hon'ble Minister please state what post is referred to under reply 'one'?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state that is a fact that the post of Police Surgeon, Calcutta, and the post of Principal, Ahsanullah School of Engineering, Dacca, have not been filled up in accordance with the recommendation of the Public Service Commission?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I cannot answer this question without notice. My difficulty is that these

appointments were made by different Ministers in respect of their own departments. It is therefore very difficult for me to answer this question without previous notice.

Dr. NALINAKSHA SANYAL: All right, Sir. Then, let the Ministers in charge of the departments concerned reply.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the appointment to the post of Principal, Dacca School of Engineering, has been made by me and I will tell the House the circumstances under which this appointment was made. The gentleman who has been appointed, has been appointed temporarily and he was appointed with the entire approval and consent of the Chairman of the Public Service Commission. I have an idea to convert the Ahsanullah School of Engineering into a Pyrotechnic Institute. (Mr. SANTOSH KUMAR BASU: Pyrotechnic Institute?) No, no, I am sorry, into a Polytechnic Institute, and it is the intention of Government to advertise the post of Principal and get the most competent man possible. Till that time, however, this gentleman has been appointed only temporarily. So, Sir, no rules have been broken. The Chairman has been consulted and he has consented to this arrangement.

Dr. NALINAKSHA SANYAL: Is it a fact that the officer now appointed is a non-Bengali and that he was got rid of by the North-West Frontier Province Government on the ground of his having speculated with public money?

The Hon'ble Mr. A. K. FAZLUL HUQ: My friend has tried to get hold of official secrets, but he has lamentably failed. So, I will state the whole fact. Sir, this gentleman applied for the post, and at that time there was a charge against him that he had submitted a false travelling allowance bill in the course of his employment in the North-West Frontier Province. The Public Service Commission thought that he was the best candidate available, but that in view of a blot on his career, he was not considered suitable for permanent appointment. I made a reference to the Government of the North-West Frontier Province and they said that this charge was not enquired into, and that his services were dispensed with on the ground of retrenchment. But they said that in view of the rumour of the alleged false travelling allowance bill, the Public Service Commission was not prepared to reconsider the case for appointment. Then I wrote again to the Government of the North-west Frontier Province. (Mr. SANTOSH KUMAR BASU: Why you were so much after him?) Because he was the best man available and therefore I wanted to take

him. When the papers were placed before the Public Service Commission they said that they would not object to the temporary appointment of this gentleman pending the advertisement of the post for a permanent appointment.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Chief Minister be pleased to state whether no competent Bengali Muhammadan was available?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, no competent candidate, either Hindu or Muhammadan, was available.

Dr. NALINAKSHA SANYAL: Is it a fact that this gentleman had no previous experience in teaching, either in engineering or in anything else?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not a fact. He had considerable experience of engineering work in that province and he was an engineer of exceptional capacity.

Dr. NALINAKSHA SANYAL: But had he experience in teaching?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, he had.

Dr. NALINAKSHA SANYAL: Will the Chief Minister, or rather the Finance Minister, now please state if it is a fact that the posts of Public Prosecutors and Government Pleaders which hitherto had been under the purview of the Public Service Commission have now been taken away from their hands by special regulations?

Mr. SPEAKER: How does that question arise?

Dr. NALINAKSHA SANYAL: It is about the number, Sir. My position is that there have been a large number of other posts also which have been taken away by Government from the hands of the Public Service Commission, because the Commission wanted certain names to be included. My submission is that it has been decided by Government, taking away these posts from the hands of the Public Service Commission, and only one is now left in their hands.

Mr. SPEAKER: That is quite a different matter.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble the Chief Minister kindly state on what basis he has made the statement that no other candidate better suited for the post was available, either Hindu or Muhammadan?

The Hon'ble Mr. A. K. FAZLUL HUQ: That was the opinion of the Public Service Commission. They said that Mr. Hakim Ali was the best suited candidate for the post.

Dr. NALINAKSHA SANYAL: Is it not a fact on the contrary that the Public Service Commission was definitely of opinion that a post like that could not be filled up without advertisement and that they insisted that an advertisement must be made?

The Hon'ble Mr. A. K. FAZLUL HUQ: My friend has read only one or two pages of the file but has not been able to go through the whole of it and therefore I should like to correct a piece of inaccuracy in his statement.

Mr. ABDULLA-AL-MAHMOOD: May I know, Sir, how this confidential report leaked out from the Secretariat?

The Hon'ble Mr. A. K. FAZLUL HUQ: Well, it was available in Writers' Buildings.

Mr. SANTOSH KUMAR BASU: Will the Chief Minister please state how, without advertising, it was possible for the Public Service Commission to come to the conclusion that this particular candidate was the best available?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have never said that this post was not advertised

Mr. TULSI CHANDRA GOSWAMI: Was it advertised or not?

The Hon'ble Mr. A. K. FAZLUL HUQ: Of course, it was

Mr. TULSI CHANDRA GOSWAMI: Certainly not. He is telling a lie

The Hon'ble Mr. A. K. FAZLUL HUQ: What do you say?

Mr. ABDULLA-AL-MAHMOOD: Is it proper, Sir, for any honourable member of this House to say that the Chief Minister was telling a lie?

Mr. TULSI CHANDRA GOSWAMI: Certainly. (Great disturbance in the House.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I ask you to take notice of the words used by Mr. Goswami. You are thieves and you go to Writers' Buildings——

Mr. PRAMATHA NATH BANERJEE: Mr. Speaker, will you take notice of this also?

Mr. SPEAKER: (Who had risen in his seat before Mr. Banerjee rose.) Mr. Banerjee, I must tell you that when I am on my legs you are not supposed to bring any matter to my notice.

Mr. PRAMATHA NATH BANERJEE: Very well, Sir. (Mr. Banerjee said something which was inaudible. Great disturbance in the House.)

Mr. SPEAKER: Mr. Banerjee, you have no right to discuss this matter again. You are again carrying on a discussion with your Leader. It is very difficult for me, unless the Leader of the Opposition helps me, to maintain order. I expect help and co-operation from the Front Bench and it will be bad precedent amongst others if I do not get that help. I did not actually catch what Mr. Goswami said. What did you say, Mr. Goswami?

Dr. NALINAKSHA SANYAL: He said, Sir, that the statement was a lie.

Mr. ABDULLA-AL-MAHMOOD: No, Sir. Mr. Goswami said 'you are telling a lie'.

Mr. TULSI CHANDRA GOSWAMI: Well, Sir, I shall not be untruthful even at the risk of expulsion. I did say that the Chief Minister was indulging in lies, because he was actually doing so, and I shall go out of the House if you

Mr. SPEAKER: Order, please. Mr. Goswami, you certainly should not have used the words and you should withdraw them, otherwise it will be my unpleasant duty to request the Leader of the Opposition whether he will help me in this matter.

Mr. TULSI CHANDRA GOSWAMI: I am quite prepared to walk out of the House, Sir, because I know that the Chief Minister has——

(Interruptions.)

Mr. TULSI CHANDRA GOSWAMI: May I make a submission, Sir. Words have been used from the other side which have wounded us very much and which are absolutely ungentlemanly and of course unparliamentary. Will you please ask the other side——

(Interruptions).

Mr. SPEAKER: Order, please.

Mr. TULSI CHANDRA GOSWAMI: Therefore, if in the excitement of the moment I said something which is unparliamentary, I shall certainly apologise as a gentleman, but I must say this also that as you have asked for our co-operation—and we belong to the front bench and as I happen to occupy the position of Deputy Leader of the Congress Assembly Party—we have always given you assistance, but, Sir, now you should assist yourself.

Mr. SPEAKER: Mr. Goswami, I take strong exception to your last expression. Will you withdraw it? What do you mean by "you assist yourself?"

Mr. TULSI CHANDRA GOSWAMI: What I meant is this—you have asked for assistance from the front bench to assist you. We have done everything to assist you, and therefore the charge that we are not assisting you is very unfair to us. Therefore I have to say again that you must assist yourself.

Mr. SPEAKER: I do not want to enter into a discussion, but I can say this that I have given the utmost assistance to the Opposition with a view to see that the debate is conducted properly; but, I know how to conduct the business of the House, and the House may rest assured that I will do so with all the conscience clean within me.

Excavation of Bemorta canal in Khulna.

***110. Babu PATIRAM ROY:** (a) With reference to the answer to starred question No. 100 delivered in the Assembly on the 1st March, 1938, will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether any expert opinion has been obtained on the statements made by the memorialists in their memorial, dated the 19th September, 1937, to the Hon'ble Minister?

(b) If the answer to clause (a) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have the Government taken for immediate re-excavation of the Bemorta canal?

(*c*) Have the Government decided to undertake the proper excavation of the Bemorta canal?

(*d*) Does the Hon'ble Minister consider the desirability of taking up actual work of the Bemorta canal this year?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (*a*) and (*c*) The Chief Engineer's opinion whether the Bemorta canal will not result quickly after excavation has been invited.

(*b*) Does not arise.

(*d*) and (*e*) I will consider the matter on receipt of the Chief Engineer's opinion.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state when was the opinion of the Chief Engineer invited, with respect to answer (*a*) and (*c*)?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: It is difficult to give the exact time, but I think it was a few months back.

Mr. K. NOORUDDIN: May I have your ruling, Sir, on the objectionable expression used by the Deputy Leader of the Congress Party?

Mr. SPEAKER: I think, I misunderstood Mr. Goswami's intention so far as his last sentence is concerned. After the explanation given by him, though I am of opinion that a gentleman of the position of the Deputy Leader of the Congress Party should not have said so, I do not consider that any further action is necessary on my part.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, when one of the Front Benches of our party drew your attention at the time to the objectionable expression used by the Leader of the House, you took objection to it, and we expected you would take notice of that afterwards.

Mr. SPEAKER: I am sorry to say that nobody drew my attention to it at the proper time.

Mr. PRAMATHA NATH BANERJEE: Sir, I did draw your attention to that fact, but instead of taking notice of it you administered an admonition. Will you, Sir, kindly take notice of it now?

Mr. SPEAKER: May I know what the Leader of the House has got to say?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I never meant any particular person, but I withdraw the words.

Mr. SARAT CHANDRA BOSE: Will the Leader of the House make an apology, as Mr. Goswami has done?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have already said, I never meant any particular person, and so I have no apology to offer.

***111. Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether Government have considered the matter of immediate excavation of the Bemorta canal in the subdivision of Bagerhat, district Khulna?

(*b*) Whether Government are aware—

(*i*) that with the blocking up of the Bemorta canal the trade and commerce of East Bengal and of Khulna will suffer, and

(*ii*) that there are dangers to public health and agriculture if this excavation is delayed?

(*c*) Whether Government intend to undertake actual work of this excavation this winter?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state reasons for the same?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*), (*c*) and (*d*) The matter is under consideration.

(*b*) The member is referred to the reply to part (*b*) of starred question No. 102 delivered on the 1st March, 1938.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state, in view of the matter having been brought to his notice in March 1938, what has been done by this time with reference to question (*b*) (*ii*)?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: As I had occasion to explain before this House in answer to a supplementary question, I believe in this session on this very subject I indicated the complicated nature of the problem which was responsible for a certain amount of delay in coming to a conclusion as to the methods which should be adopted in improving the waterway.

*112. **Mr. SISNATH BANERJEE:** (a) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(i) that the Bemorta canal in the district of Khulna is a trade route to East Bengal from Calcutta,

(ii) that there is no other cross channel to the Baleswar river from the west; and

(iii) that the Bemorta canal is being blocked up?

(b) Do the Government contemplate re-excavation of this canal this year?

(c) If the answer to clause (b) be in the negative, will the Hon'ble Minister be pleased to state the reasons for the same?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (a) (i) and (iii) Yes

(ii) No, there are the Attrabanka river, Biskhali river and many other small channels

(b) and (c) The matter is under consideration

Babu NAGENDRA NATH SEN: Is it not a fact that on a supplementary question the other day the Hon'ble Minister admitted that the Attrabanka river is not navigable and that the Biskhali river is dead, and that therefore there is no other cross channel to the Baleswar river?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Dead or otherwise, those rivers are still there

Babu NAGENDRA NATH SEN: In view of the fact that one of the rivers is not navigable and the other is already dead, will the Hon'ble Minister be pleased to state whether he will take steps to re-excavate the Bemorta Khal in the immediate future?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I have no hesitation in admitting that the Bemorta Khal is in great need of excavation

Land acquisition for a tramway line for the North Bengal Sugar Mills, Limited, in Gopalpur, Rajshahi.

*113. **Mr. SURENDRA MOHAN MAITRA:** (a) Will the Hon'ble Minister in charge of the Department of Communications and Works be pleased to state—

(i) whether a notification for land acquisition had been issued for opening of a tramway line for the North Bengal Sugar Mills, Limited, in Gopalpur in the district of Rajshahi;

(ii) whether thereafter people affected by the land acquisition and of the locality made protest against this acquisition by a private company for their private purpose;

(iii) whether representations have been made to the Government by the people of the locality against this acquisition;

(iv) whether any deputation waited upon the Chief Minister while he was at Rajshahi, in which the Deputy Speaker of this House was present, and

(v) whether petitions have been submitted to the Chief Minister and other officials regarding this?

(b) If the answer to (a) is in the affirmative, what do the Government propose to do regarding this land acquisition?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (a) (i) Yes.

(ii) A few objections were received. They were rejected.

(iii) No

(iv) and (v) A deputation waited upon the Hon'ble Chief Minister when written representations were submitted

(b) It is proposed to carry on with the land acquisition proceedings.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state whether this deputation that waited on the Chief Minister was not a deputation of the people of the locality?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: As regards the personnel of the deputation, I am afraid I have no idea.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state whether the purpose of this deputation was to protest against the land acquisition?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I believe so.

Mr. M. ASHRAF ALI: Has that representation come to your hands?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: No, Sir.

Mr. M. ASHRAF ALI: Don't you know the contents of it?

(No reply.)

Mr. SARAT CHANDRA BOSE: Mr. Speaker, to whom is the Deputy Speaker addressing?

Mr. M. ASHRAF ALI: I am sorry, Sir, I forgot to address you.

Mr. SURENDRA MOHAN MAITRA: Does not the Hon'ble Minister-in-charge consider the Chief Minister as a part of the Government?

Mr. SPEAKER: How does that arise?

Mr. SURENDRA MOHAN MAITRA: It arises in this way that in reply to question (a) (iii) he says, No. The question is, whether representations have been made to the Government by the people of the locality against this acquisition?

Mr. SPEAKER: I am afraid, you have made a confusion between representation and deputation.

Mr. SURENDRA MOHAN MAITRA: With reference to answer (a) (iv) and (v) when and by whom were the written representations submitted?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: May I explain that, as I have no idea about the members of the deputation, so I cannot say whether they consisted of the people of the locality or not.

Mr. SURENDRA MOHAN MAITRA: Is it not a fact that this deputation was not a deputation of the people of the locality?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: As I have said before, that is more than I can say.

Mr. M. ASHRAF ALI: Is the Hon'ble Minister aware of the purposes for which land is being acquired?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I believe, Sir, for running a tram line for carrying sugarcane.

Mr. M. ASHRAF ALI: Is it for public purposes or for private purposes?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: It will be of great help to the people who grow sugar-cane.

Mr. SURENDRA MOHAN MAITRA: With reference to reply (*n*), viz., "A few objections were received, they were rejected"—I want to know by whom they were rejected.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I ask for notice.

Chatal Circuit Embankment in the district of Midnapore.

***114. Mr. HARENDRA NATH DOLUI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether Government are considering the desirability of repairing the breaches of the Chatal Circuit Embankment in the district of Midnapore as represented by the people of that area in their petitions already submitted to the various departments of the Government including the Hon'ble Minister?

(*b*) If the answer to (*a*) is in the affirmative, when will the matter be taken up?

(*c*) (*i*) Has any opinion of the Executive Engineer, Damodar Division of the Irrigation Branch, been invited or received in this connection?

(*ii*) If received, what is that opinion?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) No.

(*b*) Does not arise.

(*c*) (*i*) Yes.

(*ii*) The opinion of the Executive Engineer, Damodar Division, is given below:—

"I do not approve of filling in the breaches. The bad effects of circuit embankments can be seen in many places in that district

and as the experiment of abandoning this circuit has been proceeding for many years, now it would be pointless to maintain the circuit again. The average number of days per year that this area is inundated due to floods is 20 days and although a certain amount of damage may be done to the crops, greater damage would be done to the health of the people if the breaches were closed."

Mr. HARENDRA NATH DOLUI: Is the Hon'ble Minister aware that the area contains about 4 square miles?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, it is difficult for me to give an actual measurement of the area.

Mr. HARENDRA NATH DOLUI: Is the Hon'ble Minister further aware that the flood continues there from the rainy season to the winter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, it would appear from the report of the Executive Engineer which I have just read out that it is not so.

Mr. HARENDRA NATH DOLUI: Is the Hon'ble Minister aware that the damage to crops is worth about one lakh of rupees per year?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I am afraid it is very difficult to give an idea of the valuation of the crop, but I do not believe that it will be anywhere near it

Mr. HARENDRA NATH DOLUI: Is the Hon'ble Minister further aware that because of this stagnation of water, malaria continues there for a long time?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I do not think I can give a reply without notice, but as I have already said if this bund was put up the condition of health would be worse.

Mr. HARENDRA NATH DOLUI: Will the Hon'ble Minister be pleased to institute an enquiry into the matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I have already instituted an enquiry, and the report which I have just read out of the Executive Engineer will show the result of that enquiry.

Re-excavation of Aurora canal in Arambagh subdivision.

***115. Mr. SUKUMAR DUTTA:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether the Government contemplates the re-excavation of Aurora canal in Arambagh subdivision?

(*b*) If the answer to (*a*) is in the affirmative, under what Act will the scheme be carried out?

(*c*) Has the District Board of Hooghly resolved to contribute to the scheme?

(*d*) If the answer to (*c*) is in the affirmative, what is the amount?

(*e*) Is it a fact that the local zemindars have also come forward with contributions for the above?

(*f*) Do the Government contemplate imposing any taxes on the people who may be benefited by the scheme?

(*g*) What is the approximate time by which the Government intends to give effect to the scheme?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) There was a scheme prepared in 1921 for Rs 96,082 This was postponed for lack of finance This scheme is being revised in the light of changed conditions.

(*b*), (*f*) and (*g*) No reply is possible till the revision of the original scheme is completed.

(*c*), (*d*) and (*e*) The revised scheme has not yet been prepared, so the questions do not arise at present

Mr. SUKUMAR DUTTA: Will the Hon'ble Minister be pleased to state when the revised scheme will be ready?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: It is difficult to give an idea of time

Necessity of a sluice gate on the Dhariakhali Khal in Satkhira.

***116. Babu PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he is aware—

(*i*) that a question had been raised on the floor of this House in the last Session of the Assembly regarding the necessity of a sluice gate on the Dhariakhali *khal* in the subdivision of Satkhira in compliance with which the Government assured to consider the case; and

(*ii*) that the people of the area, near the Dhariakhali *khal*, under the Satkhira police-station, (Khulna), sent an application to the Executive Engineer, Khulna, for a sluice gate near the District Board Bridge to prevent the inroad of salt water from the river Betna?

(*b*) If the answers to clause (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government have taken any step in the matter?

(*c*) If not, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) and (*c*) A cross bund is put up at the outfall of the *khal* into the Betna river from the middle of December until July to prevent the ingress of salt water and to dry up the *bils* which are served by the Dhariakhali *khal* for facility of harvesting and cultivation. A sluice gate would no doubt prove of immediate benefit to the area but by cutting off the spill during the rains and thus preventing reclamation of the low areas it would bring in its train deterioration in health and in the productivity of the soil. Hence no action was considered necessary.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state how can a sluice cut off the spill?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Because, it will be much narrower than if it was open.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if it is not just for that reason that the sluice will be more helpful?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I am advised that it will not be so, because it will not be possible to keep that much opening in the sluice as it would be by breaking up an earthen bund and thereby prevent deposition of silt in that area.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that wherever such spill was advised by Sir William Wilcox, he also further advised that sluices should be [illegible] there?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I am positive, Sir, that Sir William Wilcox never recommended sluices in cases like this.

Construction of roads under the Road Board Scheme in Birbhum district.

*117. **Dr. SHARAT CHANDRA MUKHERJI:** (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the construction of the road under the Road Board Scheme in the district of Birbhum for which lands had been acquired and survey completed, has been stopped?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) the reason why the construction was suddenly stopped; and

(ii) when it is likely that the construction will be taken up?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (a) Yes.

(b) (i) Under the order of the Central Government.

(ii) The project will be considered with the comprehensive programme of road development for Bengal and it is not possible to say now when the construction will be taken up.

Maulvi TAMIZUDDIN KHAN: With reference to answer (b)(ii), will the Hon'ble Minister be pleased to state whether the comprehensive programme has been sanctioned by Government?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, the comprehensive programme is incorporated in the report by the Special Officer, the first part of which has just been published

Mr. C. MORGAN: In reply to question (b)(i), the Hon'ble Minister has said "under the order of the Central Government." What is meant by "under the order of Central Government"?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Because the scheme which was forwarded by this Government was turned down by the Central Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Government of Bengal took up this project before the requisite sanction of the Government of India was obtained?

Dr. NALINAKSHA SANYAL: Is it a fact that the Suri-Elambazar Road was also not taken up, because the District Board of Burdwan refused to undertake the maintenance charges for this road?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I want notice for that.

Mr. SPEAKER: I think I should intervene at this stage. I think that when an important question is placed on the table, all possible supplementaries ordinarily arising out of that should have been known by the Hon'ble Minister. Otherwise, it is only wasting the time of the House. The question here was definitely why the construction was suddenly stopped, and I find that very important supplementaries have been put. I am sorry to say this, but I hope in future the Hon'ble Ministers will kindly see that such possible supplementaries as can normally come out, should be available to the House, otherwise, supplementaries will have to be dragged on.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: May I point out, Sir, that no honourable member has really put me the supplementary question as to the reason why this project was turned down? I say, Sir, that it was due to the very heavy amount of expenses which was involved in the scheme and in comparison to the length. As to what opinion was held by the District Board of Burdwan, I am afraid, Sir, I am unable to give the reply.

Mr. HARENDRA NATH DOLUI: Will the Hon'ble Minister be pleased to state when the consideration of the comprehensive project will be taken up?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: There is no question of any definite time when we will be taking up the comprehensive programme, but as I have already said the report is out and we are considering projects from that report at every meeting of the Board of Communication.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us as to the amount that was spent to construct that road before the project was left out and who was responsible for that amount and to which account it will be adjusted?

Mr. SPEAKER: Only the first part of the question should be answered.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: These happened before we assumed charge, so I am afraid it will not be possible to give an idea of the cost for the preliminary survey. But nothing was wasted.

Mr. RASIK LAL BISWAS:

মন্ত্রী মহাশয় দয়া করে জানাবেন কি এই comprehensive programme আগামী ৫০ বছরের মধ্যে শেষ হবে কি না?

Mr. SPEAKER: That question does not arise.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister please give us even a rough idea as to the time when the comprehensive scheme is likely to be taken up?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I do not know what the honourable member means by a comprehensive programme, but I may inform the honourable member that trunk line of roads alone will come up to over two thousand miles.

Maulvi TAMIZUDDIN KHAN: Sir, my question has not been answered by the Hon'ble Minister. My question was will the Hon'ble Minister please give us even a rough idea as to the time when the work of construction according to the comprehensive scheme will be commenced?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: May I point out that we have already undertaken some of the schemes and others will follow as soon as we can arrange to take them up?

Distribution of Petroleum Tax and Motor Vehicles Tax.

*118. **Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(a) the amount of Petroleum Tax and Motor Vehicles Tax distributed for the purpose of development of communications to the different districts of the province year by year and district by district for the last five years; and

(b) the method and policy in allotting and fixing the amount for each district?

The Maharaja SRIS CHANDRA NANDY, of Cossimbazar:

(a) (i) *[illegible]r Fund.*—Grants from this fund are allotted for specific projects approved by the Provincial Board of Communications and the Government of India and not district by district.

(ii) *Motor Vehicles Tax Fund.*—A statement showing the distribution of grants from this fund to the different districts during the last 5 years is laid on the table.

(b) The principle on which contributions from the Motor Vehicles Tax Fund are made is that the total amount available for distribution to the mufassal districts is divided on a strictly *pro rata* basis among the various districts in proportion to the total amount of motor vehicles tax collected within the area of each district.

Statement referred to in the reply to clause (a) (ii) of the starred question No. 118 showing the Motor Vehicles Tax grants allotted to the different districts in Bengal during the last five years ending 1937-38.

District.	1933-34	1934-35	1935-36	1936-37	1937-38.
	Rs	Rs	Rs	Rs	Rs
1. Burdwan	97,284	38,469	30,277	93,935	99,501
2. Birbhum	11,671	4,597	14,568	12,028	11,553
3 Bankura	27,149	18,708	25,888	27,450	29,058
4 Midnapore	53,900	38,120	39,083	61,457	55,774
5. Hooghly	75,099	31,429	66,426	90,004	93,630
6. Howrah	56,214	33,408	20,061	46,419	33,765
7. 24-Parganas	1,54,402	61,840	1,73,695	82,358	1,90,321
8. Nadia	13,031	9,252	12,177	20,934	39,526
9. Jessore	17,711	8,312	14,578	11,534	31,268
10. Khulna	8,233	5,458	7,497	10,194	18,885
11. Murshidabad	12,549	9,843	12,711	17,990	32,005
12. Dacca	39,735	15,633	20,431	54,571	40,180
13. Mymensingh	14,563	5,818	2,667	25,764	33,421
14 Faridpur	7,858	5,127	7,776	9,424	13,680
15. Bakarganj	7,533	4,521	2,985	14,148	20,249
16. Chittagong	26,568	15,615	28,017	26,109	23,307
17. Tippera	9,827	7,644	8,991	12,286	26,198

District.	1933-34.	1934-35.	1935-36	1936-37.	1937-38.
	Rs.	Rs.	Rs.	Rs.	Rs
18. Noakhali	7,643	5,238	7,312	8,222	8,606
19. Rajshahi	18,133	7,406	14,719	19,134	30,554
20. Dinajpur	5,775	3,853	5,690	6,857	12,939
21. Jalpaiguri	74,819	8,684	86,148	97,825	28,501
22. Rangpur	13,466	5,228	16,896	11,913	18,967
23. Bogra	6,087	4,206	5,788	7,145	9,663
24. Pabna	8,646	3,349	10,849	10,169	16,708
25. Malda	5,743	2,234	7,196	8,426	11,059
26. Darjeeling	4,100	16,086	9,100	16,000	32,356

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister kindly enlighten us if any grant from the Petrol Tax Fund was ever allotted for any project or projects to benefit the North Bengal districts? If so, what was the project and what were the allowances made?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: As I have already said, Sir, no grant is made from this fund, but only projects are undertaken with the sanction of the Government of India.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have received petitions from different district boards suggesting changes in the formula for distribution of motor vehicle fund on the ground that such districts which do not at the moment have motorable roads cannot get proportionate contribution from that fund, because at the present moment the income from petrol is not much?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Not to my knowledge.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to enlighten us as to whether there was any project which benefited the North Bengal districts? That was my question, Sir. It has not been answered.

Mr. SPEAKER: That question does not arise here.

Prayer for a pilgrim shed by the Ramkeli Sanskar Samity, Malda.

***119. Mr. ATUL CHANDRA KUMAR:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether the Ramkeli Sanskar Samity in the district of Malda has been praying for Rs. 52,000 for a pilgrim shed at Ramkeli in the district; and

(*b*) if the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of providing the amount in the next budget?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Ramkeli Sanskar Samity applied to Government for a grant of Rs. 3,250 for the construction of a pilgrim shed at Ramkeli.

(*b*) A representation which has been recently received in regard to this matter is under my consideration.

Brahmanbaria Co-operative Rural Reconstruction Society, Limited.

***120. Mr. MAQBUL HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether he is aware that Brahmanbaria Co-operative Rural Reconstruction Society, Limited, in the district of Tippera, has been realising subscription per year from every Union Board from the year 1935 of the subdivision?

(*b*) If the answer to (*a*) is in the affirmative, what is the amount realised from the Union Boards for the Society from the years 1935 to 1938?

(*c*) Whether the Society gets any contribution from the Government or local funds or public?

(*d*) If so, what amount has been received from them?

(*e*) How the funds of the Society are being disbursed?

(*f*) What is the function of the Society?

(*g*) Is the fund of this Society being audited by any auditor?

(*h*) Who are the present members, Secretary and Chairman of the Society and who were previous Secretaries and Chairmen?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) and (*c*) Yes.

(*b*), (*d*), (*e*), (*f*) and (*h*) A statement is laid on the Library table.

(*g*) Yes, by the Auditors of the Co-operative Department.

Laksam Special Debt Settlement Board.

*121. **Maulvi MD. HASANUZZAMAN:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay a statement on the table showing—

(i) when the Laksam Special Board was started; and

(ii) how many cases have been—

(1) filed, and

(2) disposed of from its very start?

(b) Is it a fact—

(i) that 26 cases were dismissed by the Chairman, and

(ii) that the Director of Debt Conciliation, Eastern Circle, Bengal, inspected the Board in May last and directed the Chairman to revive all the dismissed cases at once?

(c) If the answers to (b) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Director has recorded and directed anything in this connection in his inspection note?

(d) If so, has the Chairman received the said inspection note up to this day?

(e) If the inspection note has been received by the Chairman, has he shown it to other members of the said Board?

(f) Are the Government considering the desirability of laying on the table a copy of the said inspection note?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) A statement is laid on the table.

(b) The inspection note is for official use only; it is under consideration of Government and it is not in the public interest to publish or discuss it.

(c) to (f) Do not arise.

Statement referred to in the reply to clause (a) of starred question No. 121.

(a) (i) 11th July, 1937, but began work since middle of January, 1938, owing to the absence of Chairman.

(ii) (1) 630 up to 1st June, 1938.

(2) 609 up to 1st June, 1938.

[The answer to Starred Question No. 120 had been cancelled on that date by Mr. Speaker but was delivered on the 25th August as answer to Starred Question No. 190, *vide* proceedings of that date.]

A book "Manual of Criminal Classes operating in Bengal" considered as objectionable by some communities.

123. **Babu PATIRAM ROY:** (*a*) Is the Hon'ble Minister in charge of the Home (Press) Department aware—

(*i*) of a feeling of displeasure and resentment amongst the people of certain communities for having described them as criminal tribes in the publication of the book "Manual of Criminal Classes operating in Bengal" by Mr. F. C. Daly; and

(*ii*) that there are facts and figures in the several reports of the Census of India from 1911, showing that the number of criminals amongst the communities other than those mentioned in the book referred to above is greater than that amongst the latter?

(*b*) If the answers to (*a*) are in the affirmative, do the Government contemplate taking steps for stopping circulation of the book referred to?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) Does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if he is aware of the publication of any such book as "Manual of Criminal Classes operating in Bengal" by Mr. F. C. Daly?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that some communities have been mentioned in that book as criminal, although as a matter of fact they are not criminals according to the census report?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not certain communities but certain tribes.

Babu PATIRAM ROY: Is the Hon'ble Minister aware that according to the census report they are not criminals?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not an official publication.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় জানেন কি বাংলার কতকগুলি জাতিকে বিশেষতঃ পৌণ্ড্র ক্ষত্রিয় জাতিকে criminal tribeএর মধ্যে ফেলা হয়েছে ?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already answered that question.

Lathi charge by police at Mahesh.

*124. **Mr. SUKUMAR DUTTA:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that there was *lathi* charge by the police on 29th June last during the *Rathajatra* ceremony at Mahesh;

(*ii*) that a number of people were injured on the occasion; and

(*iii*) that the *lathi* charge was ordered by the Subdivisional Officer or the Subdivisional Police Officer who were conducting the pulling of the *Ratha*?

(*b*) If the answer to (*a*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state who gave order for the *lathi* charge?

(*c*) Was the District Magistrate present on the occasion?

(*d*) If the answer to (*c*) is in the affirmative, was the District Magistrate consulted before the order for *lathi* charge was issued?

(*e*) Is the Hon'ble Minister aware that there is a feeling of public indignation on account of this *lathi* charge in a religious festival?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes

(*ii*) As far as can be ascertained only 3 people received injuries that needed medical attention

(*iii*), (*c*) and (*e*) No

(*b*) The Inspector of Police

(*d*) Does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*) will the Hon'ble Minister be pleased to state how far was the District Magistrate from the actual place of *lathi* charge?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was about two to four furlongs away

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware of the fact that the District Magistrate was personally supervising the conduct of the police there and the traffic of the locality at the time?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was there, but as I have already stated, he was at a distance of two to four furlongs from the place of occurrence.

Dr. NALINAKSHA SANYAL: Is it not a fact that in the communiqué published it is mentioned definitely that the District Magistrate was personally present and was looking to the arrangements?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was certainly present there, but it was a long procession and he was along the route of the procession.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why, when the District Magistrate himself personally was present, the Inspector of Police took it into his head to indulge in the *lathi* charge without reference to him?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because, as I have already stated, the District Magistrate was at some distance from the place where the occurrence took place. The coolies started looting the shops and to prevent them doing this the police charged and the whole thing was over in a minute.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state on what information he states that the coolies started looting the shops?

The Hon'ble Khwaja Sir NAZIMUDDIN: The usual practice is that every year the coolies who pull the *Rath* always loot the shops along the route and this time Government decided that they would not allow the looting of the shops on the route.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if they gave any previous notice that they intended to stop the looting of the shops even by *lathi* charge?

The Hon'ble Khwaja Sir NAZIMUDDIN: N

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় কি বলবেন যে জেলা ম্যাজিস্ট্রেট প্রত্যেক বছর শোভাযাত্রায় উপস্থিত থাকা সত্ত্বেও যে লাঠি charge করবার প্রয়োজনীয়তা উপস্থিত হয় না এটাও কি usual practice?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how far from the place of occurrence were the Sub-divisional Officer and the Assistant Superintendent of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe, they were practically at the same place where the District Magistrate was.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state if there had been any *latha* charge on any previous occasion?

The Hon'ble Khwaja Sir NAZIMUDDIN:

Government appointments on the basis of population.

***125. Mr. MAQBUL HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state whether Government contemplate appointing officers of all grades in their offices according to the population basis of the different communities?

(*b*) If the answer to (*a*) is in the affirmative, from what time effect will be given to the proposal?

(*c*) If no effect is to be given, will the Hon'ble Minister be pleased to give reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question of communal representation in the public services is under the consideration of Government.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় অনুগ্রহ করে জানাবেন কি কতদিন ধরে এ বিষয় গভর্ণমেণ্টের consideration এ আছে?

The Hon'ble Khwaja Sir NAZIMUDDIN: At least for the last six months, if not more.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় দয়া করে জানাবেন কি এ বিষয়ে একটা সিদ্ধান্তে আসতে আর কত সময় লাগবে?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is an extremely difficult and complicated question; it ought to take time and it is taking time.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state if he is aware that communities such as the Muslims and the Scheduled Castes are suffering very badly in the matter of appointments?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government are trying to observe the rules that were prevalent before they came into office and according to that, the two communities mentioned by the honourable member are not suffering in any way. It is not a question of increasing the representation of the two communities and reserving of posts for them. When dealing with this question, we have got to take into consideration not only the claims of the Muslim and Scheduled Castes, but also of other minority communities and backward classes; and naturally to adjust the claims of so many different communities and claimants will take some time. At the same time, His Excellency the Governor has certain special responsibility in the matter and we have got to make out a case and to satisfy him.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state if he is aware that the criterion for appointments as demanded by the people is the criterion of population?

Mr. SPEAKER: That question does not arise.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় অনুগ্রহ করে জানাবেন কি এখনতো এ বিষয়টা under consideration এ আছে, কিন্তু কোন সময়কার সিদ্ধান্ত অনুসারে চাকরীতে communal representation চলছে?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not only according to the Government circular issued in 1926 but as far as the Scheduled Castes are concerned Government are taking special steps to see that as far as possible their claims for representation in the various services are properly considered.

Number of Military Intelligence Officers.

*126. **Al-Hadj CYASUDDIN AHMED CHOUDHURY:** Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*a*) how many Military Intelligence Officers are there at present in Bengal,

(*b*) how much money is spent annually for these posts;

(*c*) what are their functions at present; and

(*d*) whether there is any necessity for retaining them any longer?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Nine.

(*b*) The average expenditure incurred by the Provincial Government on this account during the past 3 years is Rs. 44,000.

(*c*) (*i*) Police intelligence.

(*ii*) *Liaison* between the civil and military authorities.

(*iii*) Constructive work in schools.

(*d*) Yes.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state what constructive work in schools these Military Intelligence Officers have been doing?

The Hon'ble Khwaja Sir NAZIMUDDIN: They have been trying to organise games, see to the development of physical exercise and sports, and they are introducing the house system also which Government are now contemplating for the time being to drop.

Al-Hadj GYASUDDIN AHMED CHOUDHURY: Will the Hon'ble Minister be pleased to state if he is aware that these officers have become very unpopular with the students and the school authorities?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. On the contrary I think their work is being very much appreciated in most of the schools.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what is the scale of pay of these Military Intelligence Officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: According to the Government of India Army rates of pay.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if they are permanently employed?

The Hon'ble Khwaja Sir NAZIMUDDIN: They belong to the various regiments or battalions which are posted in Bengal and their substantive pay is regulated by the Army Department budget.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state if this constructive work in schools includes military training to the students?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state if these Military Intelligence Officers were originally appointed to tackle the terrorists problem in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would like to remove a misunderstanding about the Military Intelligence Officers. These officers are there because of the posting of the military forces in the various districts of Bengal and their main duty is *liaison* between the civil and the military authorities; together with that they are also doing certain amount of military intelligence work on their own account. They took in hand this constructive work in schools when they found that it would help students if they could improve facilities for games and organise tournaments and also organise various other physical exercises in schools.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister agree that the original purpose for which the Military Intelligence Officers were appointed has now ceased to exist?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not admit that anybody has appointed Military Intelligence Officers here, they have got to be here as long as the battalions are in Bengal.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister kindly state whether these battalions in the different areas where these Military Intelligence Officers were posted, were there in connection with the terrorist movement?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, not specifically in connection with the terrorist movement, but, perhaps this was one of the reasons why they were there.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister agree with me if I suggest that the necessity for the continuance of these officers in these respective areas has now ceased?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state if the Bengal Government have any control over these officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: A certain amount of control, certainly. They work under the directions of the District Magistrates.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister please state if these constructive works in schools have been examined and approved by the Education Department of the Government of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Education Department have very much welcomed and appreciated the assistance rendered by these Military Intelligence Officers in this respect.

Mr. SPEAKER: The usual question time is over, but I want to finish the questions for to-day; so, the answers need not be read, but supplementary questions may be put.

Babu NAGENDRA NATH SEN: I had thought, Sir, that you would shut out further questions as the statutory one hour had passed.

Mr. M. SHAMSUDDIN AHMED: Sir, may I draw your attention to a short-notice question that I sent up to you?

Mr. SPEAKER: That question comes up later.

Detenus Srijuts Pramatha Nath Bhowmic, Nirmal Chandra Das and Kalidas Bose.

127. **Mr. ATUL KRISHNA GHOSE:** (a) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state the present addresses of detenus Srijuts Pramatha Nath Bhowmic, Nirmal Chandra Das and Kalidas Bose?

(b) What is the allowance they are getting per month?

(c) Is it a fact that Srijut Pramatha Nath Bhowmic has been in ill health?

(d) If the answer to (c) is in the affirmative, are the Government considering the desirability of bringing him to Calcutta for treatment?

(e) Is it a fact that Srijut Nirmal Chandra Das has complained to the authorities regarding the poor allowance he used to get?

(f) If so, have the Government considered the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Babus Pramatha Nath Bhowmic and Kalidas Bose are domiciled in the districts of Dacca and Jalpaiguri, respectively, and communications to them should be sent c/o the Superintendent of Police of the district. Babu Nirmal Chandra Das is temporarily confined in the Presidency Jail, Calcutta, after hospital treatment.

(b) The two detenus in village domicile get Rs. 25 per mensem.

(c) He complained of pain and was brought into the Mitford Hospital from which he has recently been discharged.

(d) No.

(e) He did so in February.

(f) His complaint related to his allowance in domicile since when he has been treated in hospital at a cost of over Rs. 800.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister for the Home Department kindly state whether, and how many times, Nirmal Chandra Das has been treated in the hospitals for ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got nothing further to add to my answer without further notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what he is going to do as regards the allowances of certain detenus who have been released only recently, so that they may pass their lives honourably?

The Hon'ble Khwaja Sir NAZIMUDDIN. [illegible] Sir, that this does not arise out of this question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Number of Public Prosecutors and Government Pleaders in Bengal.

63. Mr. S. A. SALIM: (a) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing for the present time

(i) the number of Public Prosecutors and Government Pleaders in the Province of Bengal, and

(ii) the number of them that are

(1) Muhammadans, and

(2) Hindus?

(b) Will the Hon'ble Minister be pleased to state—

(i) how many vacancies have occurred since his assumption of charge of the department; and

(*ii*) how many of such vacancies have been filled by—

(1) Muhammadans, and

(2) Hindus?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 63.

(*a*) (*i*) Public Prosecutors .. 12

Government Pleaders .. 11

Government Pleader and Public Prosecutor (combined posts) .. 15

	Muhammadans	Hindus.
(*ii*) Public Prosecutor		5
Government Pleader		10
Government Pleader and Public Prosecutor (combined)	Nil	15

(*b*) (*i*) 5

(*ii*) 1 Muhammadans 2

2 Hindus 3 (1 temporary)

Mr. MONMOHON DAS: Will the Hon'ble Minister be pleased to state if there are any Public Prosecutors or Government Pleaders belonging to the Scheduled Castes?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want notice.

Khan Bahadur MOHAMMED ALI: Is it a fact that Government propose to combine the posts of Public Prosecutors and Government Pleaders?

Mr. SPEAKER: That question does not arise.

Number of Sheristadars and Head Clerks in the District Courts in Bengal.

64. Mr. S. A. SALIM: Will the Hon'ble Minister in-charge of the Judicial and Legislative Department be pleased to state—

(*a*) the number of Sheristadars and Head Clerks existing at present in the District Courts in Bengal; and

(b) the number of them that are—

(1) Hindus, and

(2) Muhammadans?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (a) Sheristadars 22 and Head Clerks 22.

(b) (1) Hindu (Sheristadars) 18 and Muhammadan (Sheristadars) 3.

(2) Hindu (Head Clerks) 21 and Muhammadan (Head Clerks) 1.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state what steps he has taken since his assumption of office to increase the Muslim percentage in these posts?

Mr. SPEAKER: I am afraid, this question does not arise.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state if he considers the desirability of increasing the percentage of Muslims in these posts?

Mr. SPEAKER: I am afraid, this question also does not arise. This question concerns itself only with the number.

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রী মহাশয় দয়া করে জানাবেন কি হিন্দু হেড্ ক্লার্ক ও শেরিস্তাদারদের মধ্যে কয়জন scheduled caste আছে?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want notice. I do not believe there are any Scheduled Castes men in either posts.

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রী মহাশয় কি এমন কোন notice কি communication District Judge দের পাঠিয়েছেন যাদ্বারা তাঁরা scheduled castes নিযুক্ত করবেন?

Mr. SPEAKER: That question does not arise.

Inundation of districts of North Bengal.

65. Maulvi MOSLEM ALI MOLLAH: (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(i) that the districts in North Bengal are almost every year inundated; and

(*ii*) of the natural drainage of the part of the province being obstructed by the two Railway lines of the Eastern Bengal Railway, namely, the Calcutta-Darjeeling and the Sara-Serajganj Railway lines?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of enquiring into the matter with a view to working out proper remedies?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) (*i*) The districts of North Bengal are not flooded "almost every year", but lower areas suffer only in years of heavy rainfall.

(*ii*) The railway lines mentioned do not obstruct the passage of drainage and flood water not even in the Chalkin Bil area. An additional 2 × 40 feet bridge recently constructed between Chatmohar and Mooladuli stations of the Sara-Serajganj line has improved the situation further.

(*b*) Does not arise.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister aware that the eastern part of Bogra is invariably subject to annual inundations?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Yes, Sir, there are some parts which are liable to most frequent inundations.

Silting up of the Tolly's Nala, etc., in the district of 24-Parganas.

66. Mr. P. BANERJI: (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether he is aware that the Tolly's Nala, the Bidyadhari river, the Peali river and the Adiganga in the district of the 24-Parganas have been silted up?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken or are proposed to be taken for the re-excavation of the said Nala and rivers?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) Attempts were made in the past to improve the river Bidyadhari by dredging without success. A scheme was also prepared for the revival of the river but on examination this was found impracticable.

The Tolly's Nala is periodically silt-cleared but owing to tidal action it silts up again. A scheme for improvement of the Nala is under preparation and that for Peali river is under consideration. Necessary surveys for the latter scheme will be taken up during the next cold weather. The question of feasibility of the improvement of the Adiganga will be considered after the above schemes have been executed and the results thereof watched.

Mr. P. BANERJI: Will the Hon'ble Minister please state whether by the improvement of Nala, the Hon'ble Minister means the improvement of Tolly's Nala? If so, what is the difference in his opinion between the Nala and the Adiganga?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: By Nala is meant the Tolly's Nala

Mr. P. BANERJI: If that is so, then what is the difference between Tolly's Nala and the Adiganga?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: A portion of the Adiganga is also called Tolly's Nala

The upkeep of Nowi and Sunti rivers in the Barasat subdivision.

67. Mr. P. BANERJI: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that in the subdivision of Barasat, 24-Parganas, there are two rivers named Nowi and Sunti;

(*ii*) that the rivers measure about 26 miles in length;

(*iii*) that these two rivers drain the major portion of the subdivision, mainly the Barasat thana;

(*iv*) that a sum of Rs. 2,000 only has been allotted in the budget for the upkeep of the rivers under the head of Nowi-Sunti project;

(*v*) that the sum sanctioned is not adequate for the upkeep of these rivers; and

(*vi*) that malaria has broken out in the subdivision in an epidemic form?

(*b*) If the replies to clause (*a*) are in the affirmative, what steps, if any, do the Government propose taking to minimise the suffering of the people?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Yes.

(*ii*) No, the Nowi river measures 22 miles and the Sunti 44 miles.

(*iii*) The Nowi drains a portion of the Burtee Bil and some local lands close to its banks. The Sunti is a moribund river having no drainage capacity at all. The drainage of the country actually takes place across fields and by the Nona Gang.

(*iv*) and (*v*) There is a provision of Rs. 2,500 this year for maintenance of the Nowi-Sunti project. The project includes a portion of the Nowi only and no portion of the Sunti. The latter is a private *khal* and as such the liability for its maintenance does not rest with Government. The sum provided in this year's budget is sufficient for maintaining that portion of the Nowi which falls within the project.

(*vi*) I am not aware that malaria has broken out in the subdivision in an epidemic form.

(*b*) Does not arise

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that Sunti was originally only a part of the project known as Nowi? Is he further aware of the circumstances under which Sunti was left out of the project?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Yes, Sir.

Appointment of different communities in Co-operative and Rural Indebtedness Department.

68. Miss P. B. BELL-HART: (*a*) With reference to his reply to starred question No. *30 on the 30th March, 1938, will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether any appointments have since been made?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the number and capacities in which—

(*i*) Anglo-Indians;

(*ii*) Muslims; and

(*iii*) Caste Hindus, etc.,

have been appointed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Appointments of Inspectors have since been made.

(*b*) (*i*) Nil.

(*ii*) 12 Muslims.

(*iii*) 8 Caste Hindus, 4 Scheduled Caste Hindus, 1 Hill man (Pahari) and 1 Indian Christian.

Mr. PRAMATHA RANJAN THAKUR: Will the Hon'ble Minister please state with reference to (*b*) (*iii*), if it is not a fact that all the four Scheduled Castes candidates appointed belong to Khulna, the constituency of the Hon'ble Minister?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir. Of the four Scheduled Caste Hindus, one belongs to Faridpur, one to Rangpur, one to Berhampore and only one to Khulna.

Primary Schools in Bengal.

69. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the present number of primary schools in the province; and

(*ii*) the number fixed by the survey committee after centralisation and reduction?

(*b*) Will the Hon'ble Minister be pleased to state whether it has been taken into consideration

(*i*) that there is every chance of the falling in number of the school population as according to the proposed scheme of establishing one mixed school for the Hindus and Muhammadans in every 4 square miles area; and

(*ii*) that it will not be the cause of danger for the small children of six or seven years of age through the submerged village roads?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) 60,060.

(*ii*) Not available as survey has not been completed yet.

(*b*) (*i*) In those districts where survey is being made, a three-teacher school will be started on the basis of a population of 2,000. Thus, in most cases, there will be a three-teacher school in a circle of

less than one mile radius. It is only in sparsely populated areas that a school will have to be started on the basis of area and there will be a school in an area of 3.14 square miles. But whether the school is started on the basis of population or area, the geographical features and natural barriers will always be taken into consideration and the number of schools, if necessary, will accordingly be increased.

(*ii*) No.

Petition of the motor bus owners of the Western Duars, Jalpaiguri.

70. Babu KHAGENDRA NATH DAS' GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact

(*i*) that the motor bus owners of the Western Duars, district Jalpaiguri, in a joint petition, dated the 19th June, 1938, to the Deputy Commissioner *inter alia* made allegations of bribery, extortion of illegal gratification, unnecessary harassment, etc., against the police constables and petty officers posted at different places in the Duars,

(*ii*) that these motor bus owners in their petition have also complained that if no or inadequate gratifications are given to the police they prosecute the drivers on the flimsiest of grounds with the result that heavy fines are inflicted,

(*iii*) that about 1,100 cases were instituted against motor bus drivers and owners in the course of six months from December, 1937 to May, 1938, and there had not been a single case of acquittal, and

(*iv*) that the motor bus owners as a protest had suspended their business by middle of June, 1938, for a number of days?

(*b*) Will the Hon'ble Minister be pleased to state -

(*i*) whether the Deputy Commissioner has taken any action on the petition,

(*ii*) whether an enquiry has been made of the allegations,

(*iii*) the name of the enquiring officer,

(*iv*) the result of the enquiry, and

(*v*) the total amount of fines realised by the court from the motor bus owners and drivers of the Western Duars during the last financial year 1937-38?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*), (*ii*), and (*iv*) Yes.

(iii) No. 416 cases were instituted from Western Duars excluding Alipur Duars. Of these 318 ended in conviction and 11 in acquittal. 29 cases were dropped as the accused could not be traced and the balance are pending.

(b) (i) and (ii) Yes.

(iii) Deputy Commissioner, Jalpaiguri.

(iv) Orders were passed for improving the motor vehicles administration in the interest of public convenience.

(v) Rs. 4,806 in the Sadar subdivision and not in the Western Duars only.

Babu KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether, as a result of the enquiry made by the Deputy Commissioner, the allegations of bribery, extortion, illegal gratification, unnecessary harassment, etc., made against some of the police constables and petty police officers have been proved, and, if so, what action has the Deputy Commissioner so far taken to punish these officers and constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am very sorry, Sir, that the honourable member is misinformed. Allegations were made but they have not been proved and the Deputy Commissioner has not had any materials placed before him which would justify him in coming to the conclusion that the officers have been taking bribes.

Treatment of internees Messrs. Hemendu Bikas Nag and Atul Chandra Datta.

71. **Mr. BIRENDRA NATH MAZUMDAR:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether it is a fact that Hemendu Bikas Nag of Chittagong, and Atul Chandra Datta of Tippera are both at present interned at Saturia in the Manikganj subdivision, district Dacca;

(b) whether they had been transferred to the Dacca Mitford Hospital for treatment;

(c) if so—

(i) for what diseases, and

(ii) how long they were under treatment;

(d) whether it is a fact that they have been sent back to Saturia, where there is hardly any arrangement for medical treatment; and

(*e*) whether the Government are considering the desirability of releasing them at an early date?

The Hon'ble Khwaja Sir NAZIMUDDIN: The individuals in question have since been unconditionally released. In the circumstances I do not propose to pursue the enquiries which my hon'ble friend suggests.

Family and personal allowance of Srijut Bhutnath Bhattacharyya, an ex-detenu, and his M. Com. examination fees.

72. **Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware—

(*i*) that the family and personal allowance of Srijut Bhutnath Bhattacharyya, an ex-detenu of the 24-Parganas, has been stopped for the realisation of the M. Com. examination fees granted to him by the Government when he was in the Berhampore Detention Camp, and

(*ii*) that the Assistant Secretary, Political Department, twice asked the District Magistrate, 24-Parganas, to reconsider the case but the said officer refused to do anything on the plea that the matter was already closed?

(*b*) Has he authorised or endorsed realisation of examination fees from the personal allowance after releasing the detenu and specially from the family allowance?

(*c*) Is it a fact that usual practice of realising any such amount is by instalment?

(*d*) If the answer to (*c*) is in the affirmative, why was a different course taken in this case?

(*e*) Whether any enquiries have been made in the matter?

(*f*) What action do the Government contemplate taking in this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: The detenu and his family had overdrawn allowances to the extent of Rs. 183-2-6, which sum was recovered from the after-release allowance sanctioned *ex-gratia* by Government for six months. Orders modifying this have since been issued.

Authenticated Schedule of Expenditure.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to place a Schedule of expenditure relating to the demands for supplementary grants authenticated by the Governor under section 81; read with sub-section (*1*) of section 80 of the Government of India Act, 1935, on the 17th August, 1938.

GOVERNMENT BILLS.

The Bengal Tanks Improvement Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Tanks Improvement Bill, 1937, as reported by the Select Committee, be taken into consideration.

Mr. DHIRENDRA NATH DATTA: I oppose the consideration of the Bill, because the Bill will bring within its scope tanks that were excavated for irrigation purposes and which have been forsaken. But it is well-known that there are tanks throughout the whole of Bengal which were not excavated for irrigation purposes but for domestic purposes, but are now forsaken. These tanks also, in my opinion, should come within the benefit of this Bill. It is well-known to all of us that these tanks are now full of weeds and jungle and have become a nuisance; and as a matter of fact the insanitary condition of the villages is due to the presence of these tanks and it is necessary that the Government should come forward with a comprehensive Bill which will cover all classes of tanks, domestic tanks as well as tanks excavated for irrigation purposes. With these few words Sir, I think that Government should not rush through this Bill which is very limited in its scope, but should come forward with a comprehensive Bill and in this view of the matter I oppose the consideration of this Bill.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy was then put and agreed to.

Clause 1.

Mr. SPEAKER: The question is that Clause 1 stand part of the Bill.

The motion was then put and agreed to.

Clause 2.

Rai HARENDRA NATH CHAUDHURI: I beg to move that in sub-clause (7) of clause 2, lines 3-5 the following words be deleted:—

"whether formed by excavation or by the construction of one or more embankments or place where water naturally accumulates."

Sir, I consider these words absolutely superfluous. Prolixity can never be considered a virtue in legislation. We must be precise in our definition; and as the Bill deals with tanks, I suggest that these superfluous words be cut out altogether. Tank means a reservoir, whether natural or artificial; and that being so, these words describing how it has been constructed or not are immaterial and absolutely unnecessary, and introduction of superfluous words, Sir, may lead to complications and misinterpretation and other troubles. I would therefore suggest to the Hon'ble Minister-in-charge to leave out these unnecessary words.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. I do not think these words are superfluous. The Select Committee went into the matter very carefully and wanted to make the definition rather comprehensive, because there may be tanks which originally were in the nature of beels, but now having been silted up, have been reduced to the condition of tanks. So I think this comprehensive definition inserted in the Bill by the Select Committee will in no way lead to complications, rather it will be helpful.

I beg to move that in sub-clause (7) of clause 2, last line, after the word "tanks" the words "other than homestead, garden or orchard land" be inserted.

Sir, Government feel that it may cause great hardship if homesteads or orchards are also taken possession of by the Collector or are made over to the authorised person under the Act. It is never the intention of this measure that the public should be deprived of their homesteads or orchard lands. It is only the tanks that should be made over to the authorised persons for improvement. That is the reason why I have moved this amendment.

The motion of Rai Harendra Nath Chaudhuri that in sub-clause (7) of clause 2, lines 3-5, the following words be deleted:—

"whether formed by excavation or by the construction of one or more embankments or place where water naturally accumulates."

was then put and lost.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in sub-clause (7) of clause 2, last line, after the word "banks" the words "other than homestead, garden or orchard land" be inserted was then put and agreed to.

Mr. SPEAKER: The question before the House is that Clause 2, as amended, stand part of the Bill.

The question was then put and agreed to.

Clause 3.

Rai HARENDRA NATH CHAUDHURI: I beg to move that sub-clause (2) of clause 3 be omitted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I may just point out that this amendment is unnecessary. The sub-clause is not in the Bill.

Mr. SPEAKER: The question is that Clause 3 stand part of the Bill.

The question was then put and agreed to.

Clause 4

Rai HARENDRA NATH CHAUDHURI: I beg to move that in sub-clause (2) of clause 4 in line 1, the words "sufficiently the situation and" be inserted after the words "shall state."

I beg also to move that at the end of sub-clause (2) of clause 4, the following words be added, namely:

"and shall be published in the *Official Gazette*".

Mr. Speaker, Sir, the Bill proposes to provide for the improvement of tanks and to clear them for certain purposes. Now, Sir, in the Land Acquisition Act you will find that two notices have got to be issued before a land is taken over. In the first place a general notice has got to be issued stating the situation and the boundary of the land and secondly, a special notice has also to be issued to the owners, occupiers and other persons interested in that piece of land. I do not understand why, when there is no provision for special notice here, should the general notice that is proposed to be issued under sub-clause (2) not state even the situation of the land.

Almost the whole of Bengal has been cadastrally surveyed, and it is now easy to state the situation of a particular tank. The acquiring authorities, under the Bill as framed, are simply to state in the notice the boundaries of the tank and not the situation of the locality. Well, Sir, when that is the case, I would suggest that the notice should specify the situation also and not simply the boundary. By situation I mean the estate to which the tank appertains and also the mouza, etc. Otherwise how will it be possible to identify a tank simply by mentioning the boundary? I therefore suggest that the notice should state the particular situation as well as the boundary of the tank. Moreover, when the Bill proposes something like acquisition of a tank, may be for a limited period, and does not provide for a special notice to the owners and persons interested in a tank, then the notice contemplated in the Bill should also be published in the Gazette.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as the honourable mover has said, in most of the districts Survey and Settlement operations have been completed, and we have got their records. The notice must refer, in giving the boundaries, to the Settlement Records, and that will give the situation. It is not necessary to mention the situation separately. If there is any reference to the plot number in the Settlement Records, that will identify the plot and will give the exact situation of the tank. I think the honourable member's amendment is unnecessary.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, will you permit me, Sir, just to put a question? Simply by mentioning the boundaries, the Hon'ble Minister has said that there is mention of plots as well as boundaries. That is not in the sub-clause. Merely boundaries have been stated. There is no mention of the site of the plots. He is simply misrepresenting facts.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am not misrepresenting facts. If the boundaries have to be given, they have got to be given with reference to the plot number in the Settlement Record. So that will give the exact situation of the tank, and nobody can mistake it.

Mr. SPEAKER: The question before the House is that in sub-clause (2) of clause 4 in line 1, the words "sufficiently the situation and" be inserted after the words "shall state".

The motion was then put to the House and lost.

Mr. SPEAKER: The question before the House is that at the end of sub-clause (2) of clause 4, the following words be added, namely:—

"and shall be published in the *Official Gazette*."

The motion was then put and lost.

Mr. SPEAKER: The question before the House is that clause 4 stand part of the Bill.

The motion was then put and agreed to.

Clause 5.

Mr. SPEAKER: The question before the House is that clause 5 stand part of the Bill.

The motion was then put and agreed to.

Clause 6.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in lines 1 and 2, in sub-clause (2) of clause 6, for the words "The Collector may" the words "the Collector shall, except for sufficient reason to be recorded in writing," be substituted.

Sir, the idea is this, that where there are co-sharers and one of the co-sharers or some of the co-sharers volunteer to undertake the improvement of the tank, they should be given preference, but if for any particular reason the Collector finds that it is not desirable that they should be entrusted with the duty, then he should record his reasons in writing, and hand it over to some other person. But so long as the co-sharers are prepared to undertake the work, outsiders should not be permitted to do it. That is the reason why I want to substitute the word "shall" for the word "may" so that the Collector will not have much discretion, but at the same time there is the safeguard that if he finds that it is necessary in the peculiar circumstances of a particular case that it should be made over to outsiders and not to the co-sharers, he should record his reasons in writing for doing so.

Mr. SPEAKER: The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy that in lines 1 and 2, in sub-clause (2) of clause 6, for the words "The Collector may" the words "the Collector shall, except for sufficient reasons to be recorded in writing", be substituted.

The motion was then put and agreed to.

Mr SPEAKER: The question before the House is that Clause 6 stand part of the Bill.

The motion was then put and agreed to.

Clause 7.

Mr. SPEAKER: The question before the House is that Clause 7 stand part of the Bill.

The motion was then put and agreed to.

Clause 8.

Dr. SHARAT CHANDRA MUKHERJI: Sir, I beg to move that in clause 8, line 3, the words "he thinks fit" omitted by the Select Committee be re-inserted.

Sir, I also beg to move that in clause 8, lines 3 to 9, for the words commencing from "the Collector may" and ending with the words and figure "or section 6," the following be substituted, namely :—

"but not exceeding the time till the total money spent be realized with six one-fourth per cent interest per annum."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose this amendment No. 51, because the Select Committee very carefully considered this matter, and made this change. Because, otherwise the tank may be kept in the possession of the authorized person for an indefinite period. The Select Committee wanted to put the time limit, and to make the wording of the clause precise. That is why it was changed, and I see no reason to re-insert the words "he thinks fit".

Mr. SPEAKER: The question before the House is the motion of Dr. Sharat Chandra Mukherji, that in clause 8, line 3, the words "he thinks fit" omitted by the Select Committee be re-inserted.

The motion was then put and lost.

Mr SPEAKER: The question before the House is that in clause 8, lines 3 to 9, for the words commencing from "the Collector may" and ending with the words and figure "or section 6" the following be substituted, namely :—

"but not exceeding the time till the total money spent be realized with six one-fourth per cent. interest per annum."

The motion was then put and lost.

Mr. SPEAKER: The question before the House is that clause 8 stand part of the Bill.

The motion was then put and agreed to.

Clause 8A.

Mr. SPEAKER: The question before the House is that clause 8A stand part of the Bill.

The motion was then put and agreed to.

Clauses 9, 10, 11, 12, 13 and 14.

Mr. SPEAKER: I hope there will be no objection if I put clauses 9 to 14 together.

The question before the House is that clauses 9 to 14 stand part of the Bill.

The motions were then put and agreed to.

Clause 15.

Mr. SPEAKER: Amendments 55 and 56 are beyond the scope of the Bill.

Motion No. 58 is beyond the scope of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in sub-clause (2) (*b*) of clause 15, for the words "provided that there is a sufficiency of water, to any other person," the following be substituted, namely:—

"provided that—

(*i*) there is a sufficiency of water, and

(*ii*) the total area for irrigation from the tank in respect of which permission is granted under this sub-section does not exceed the maximum area laid down from time to time by the Collector in that behalf by order in writing, to any other person, and any person to whom permission is once granted under this clause shall, subject to the prior right of persons referred to in clause (*a*) and to the abovementioned conditions, continue to enjoy the right on payment of the fee payable."

Sir, the wording is very clear, and I do not want to make any speech.

Mr. SPEAKER: The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy that in sub-clause (2) (b) of clause 15, for the words "provided that there is a sufficiency of water, to any other person," the following be substituted, namely:—

"provided that—

(i) there is a sufficiency of water; and

(ii) the total area for irrigation from the tank in respect of which permission is granted under this sub-section does not exceed the maximum area laid down from time to time by the Collector in that behalf by order in writing, to any other person, and any person to whom permission is once granted under this clause shall, subject to the prior right of persons referred to in clause (a) and to the abovementioned conditions, continue to enjoy the right on payment of the fee payable."

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is that clause 15 as amended stand part of the Bill

The motion was then put and agreed to.

Clause 16.

Dr. SHARAT CHANDRA MUKHERJI: Sir, I beg to move that in sub-clause (1) of clause 16, lines 5 to 13, for the words commencing from "Such fees shall be calculated" and ending with "in respect of the tank," the following be substituted, namely:—

"Such fees shall not be more than annas four per bigha in any case."

Dr. SARAT CHANDRA MUKHERJEE: এবিষয়ে আমার বলবার কথা এই যে Bengal Tank improvement Bill যে প্রকারে গঠিত হয় আমাদের এখানে আসিয়াছে এই জিনিষটা সারা বাংলার ভিতর পশ্চিম বঙ্গের যে রকম কার্য্যকরী হবে অন্য জায়গায় সে রকম হইবে না। পশ্চিম বঙ্গের কৃষকদের অনেক সময় নির্ভর করিতে হয় এই ধরণের জলের উপর। যে সমস্ত জায়গায় পুরানো পুকুর আছে—দেখা যায় অধিকাংশ স্থলেই সেগুলি ভরিয়া গিয়াছে। সম্প্রতি সে সমস্ত পুকুরের কোন সংস্কার না হওয়ায় সমস্ত পশ্চিম বঙ্গের বিশেষতঃ বাঁকুড়া ও বীরভূম অঞ্চলের চাষীরা বিশেষভাবে জলের অভাব অনুভব করে। তাহা ব্যতীত যেসকল পুকুরের সংস্কার হইবে তাহারা কি পরিমাণে জল যোগাতে পারবে তাহারও কিছু নিশ্চয়তা নাই। এই সংস্কার কার্য্যে যে টাকা ব্যয় হইবে তাহা যদি হিসাব করার পর ট্যাক্সের পরিমাণ বাড়িয়া যায়

তাহাতে গরীব চাষীদের পক্ষে বহন করা কষ্টকর হইবে। যেমন cantal করের দ্বারা একটা ভয়ানক অসন্তুষ্টের সৃষ্টি হইয়াছে। সেইজন্য আমরা ফীর সম্বন্ধে একটা সঠিক নির্দ্দেশ চাই যাহা বিঘাপ্রতি চার আনার বেশী হওয়া উচিত নয়।

Dr. SURESH CHANDRA BANERJEE: Sir, I beg to move that in sub-clause (2) of clause 16, line 4, for the words "fixed so as to exceed by fifty per cent." the words "the same as" be substituted. মূল Billএ বলা হয়েছে যে গভর্ণমেন্ট কোন একটি পুকুর পুনঃ সংস্কারের জন্য আপন দখলে নিয়ে তার সংস্কার সাধন করে জনগণকে সেচের জন্য যখন তার জল ব্যবহারের অধিকার বেঁটে দিবে, তখন সংস্কারের পূর্ব্বে সেই পুকুরের জল ব্যবহারের অধিকার ছিল যে সব কৃষকদের, তাদেরই সংস্কারের পর জল ব্যবহারের প্রথম অধিকার হেওয়া হবে—তারপর অধিকার পাবে অপর সকলে। প্রথম যাদের অধিকার ছিল তাদের rate আগের সমানই থাকবে। কিন্তু সংস্কৃত পুকুরের জল ব্যবহারে নতুন যাদের অধিকার লাভ হবে তাদের পূর্ব্ববর্ত্তীদের চেয়ে শতকরা ৫০ পঞ্চাশ টাকা বেশী rate দিতে হবে। অর্থাৎ যাদের আগে দখল ছিল না তাদের দখল শুধু দিছেনে লাভ হবে না—rate ও বেশী দিতে হবে। Rate সম্বন্ধে এরূপ কোন পার্থক্য রাখা আমি অন্যায় মনে করি। আমার মতে কৃষি কাজেই জল যখন ব্যবহৃত হবে, তখন দখল আগে পিছে যখনই লাভ হোক না কেন, rate সমানই থাকা উচিত। আগে যাদের দখল ছিল সংস্কারের পরও তারা আগে দখল পাবে, আর সকলের সহিত ইহাদের এই পার্থক্যই যথেষ্ট। সকলের জন্য সমান rate এর ব্যবস্থা করার আমার এই সংশোধন আশা করি মন্ত্রী মহাশয় মেনে নেবেন, কারণ ইহা অতি ন্যায়সঙ্গত।

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in sub-clause (2) of clause 16, line 4, for the words "fifty per cent." the words "twenty-five per cent." be substituted.

Sir, Dr. Banerjee has said that as a matter of fact there was no distinction between the two classes of persons, but I want to make some distinction. I submit that in the case of one class of persons 25 per cent. may be necessary instead of 50 per cent.

With these few words, Sir, I commend my motion for the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, three amendments have been moved.

In the first amendment, it is proposed that the rate of fee should not exceed 4 annas per bigha. I submit, Sir, that an arbitrary rate cannot be fixed because the scheme in the Bill is that the cost of improvement should be realised from the lessees within 20 years. So, it is impossible to fix the rate of fee in the Act. If the rate is fixed at 4 annas per bigha, it may take more than 20 years to recover the cost. For this simple reason, Sir, it is not possible to accept the amendment.

As regards the amendment of Dr. Suresh Chandra Banerjee, it is to the effect that there is no reason why there should be this discrimination. He asks why should the new lessees be called upon to

pay 50 per cent. more than the persons who had the existing right. My honourable friend may be aware that the right of irrigation in most of the cases, is now enjoyed free of cost and still they will be called upon to pay some fee which will cover the cost of improvement of the tank. When the area and capacity of the tank have increased, it will be possible to supply water to larger areas in the occupation of a larger number of persons and the new lessees will then be benefited. It is only proper that the new lessees who had no right of irrigation whatsoever before the improvement of the tank should be called upon to pay something more than those who had such a right from time immemorial and who used to enjoy that right free of any cost. That is why I oppose this amendment.

Then as regards the amendment moved by Mr. Dhirendra Nath Datta, he wants to limit the additional fees to 25 per cent. instead of to 50 per cent. I think 50 per cent. is a reasonable increase, and persons who had no right and who will acquire a new right should be called upon to pay at least 50 per cent more than those who had this right and who used to enjoy it without any payment before the improvement.

Mr. SPEAKER: The question before the House is that in sub-clause (1) of clause 16, lines 5 to 13, for the words commencing from "Such fees shall be calculated" and ending with "in respect of the tank," the following be substituted, namely:—

"Such fees shall not be more than annas four per bigha in any case."

The motion was then put and lost.

Mr. SPEAKER: The question before the House is that in sub-clause (2) of clause 16, line 4, for the words "fixed so as to exceed by fifty per cent." the words "the same as" be substituted.

The motion was then put and lost.

Mr. SPEAKER: The question before the House is that in sub-clause (2) of clause 16, line 4, for the words "fifty per cent." the words "twenty-five per cent." be substituted.

The motion was then put and lost.

Mr. SPEAKER: The question before the House is that Clause 16 do stand part of the Bill.

The motion was then put and agreed to.

Clauses 17, 18 and 19.

Mr. SPEAKER: The question before the House is that Clauses 17, 18 and 19 do stand part of the Bill.

The motion was then put and agreed to.

Clause 20.

The Hon'ble SIR BIJOY PRASAD SINGH ROY: Sir, I beg to move that at the end of clause 20 the following be added, namely:—

"or the Collector may, if he thinks fit, arrange for the maintenance of the tank in proper condition and recover the cost thereof from the authorised person."

Sir, it may be that the authorised person after a few years instead of maintaining the tank in its improved condition would begin to neglect it for the simple reason of keeping it in his possession for a longer period. So the Collector should have the right to take possession of the tank, to put it in its former improved condition and to realise the cost from the person due to whose negligence the tank had deteriorated after improvement.

With these few words, I move this amendment.

Mr. SPEAKER: The question before the House is that at the end of clause 20 the following be added namely:—

"or the Collector may, if he thinks fit, arrange for the maintenance of the tank in proper condition and recover the cost thereof from the authorised person".

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is that Clause 20 as amended do stand part of the Bill.

The motion was then put and agreed to.

Clause 21.

Mr. SPEAKER: The question before the House is that Clause 21 do not stand part of the Bill.

The motion was then put and agreed to.

Clauses 22, 23 and 29.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in sub-clause (*1*) of clause 22, in line 3, the following words be inserted after the words "this Act" and before the comma:—

"and are not recorded in any record-of-rights previously prepared and published under Chapter X of the Bengal Tenancy Act, 1885."

Mr. SPEAKER: You may also move your other amendments.

Rai HARENDRA NATH CHAUDHURI: They are in connection with other clauses.

Mr. SPEAKER: In order to shorten the time, you might first move all the amendments and then make one speech.

Rai HARENDRA NATH CHAUDHURI: All right, Sir.

I beg also to move that—

at the end of sub-clause (2) of Clause 23 the following words be inserted:—

"in accordance with the provisions of this Act"; and further that,

at the end of clause 29, the following words be added:

"provided the order or decision does not affect the question of right or title to the tank".

So far as my first motion is concerned, it relates to clause 22 sub-clause (*1*) which says that the Collector shall prepare in the prescribed form and manner a record-of-rights. So it becomes the imperative duty of the Collector to prepare a new record-of-rights. The Hon'ble Minister has himself admitted in connection with a previous motion that almost the whole of Bengal has been surveyed, and the survey and settlement operations having been finished records-of-rights have been prepared almost for the whole of Bengal, why then should another survey and record-of-rights be necessary in taking over a tank, I cannot understand. Therefore, I have suggested that where there have been survey and settlement operations and where there is already existing a record-of-rights, no further record-of-rights needs be prepared in respect of a tank there. A new record summarily prepared may lead to the upsetting of existing rights and may give rise to new disputes.

Further, we should bear in mind that we are going to oust the jurisdiction of the Court so far as the operation of this Act is concerned. I, therefore, suggest that these words are imperatively necessary to ensure that there should not be a further record-of-rights made in a summary manner where there is already a record-of-rights prepared under Chapter X of the Bengal Tenancy Act in existence.

As regards the next motion, it relates to clause 23. Now sub-clause (2) of clause 23 says that if the tank falls into a state of disrepair for the second time, then the Collector will either himself take over the tank or settle it with another person. It is not mentioned there what procedure in the case of this subsequent taking over of a tank will be adopted; and by suggesting the introduction of the words "in accordance with the provisions of this Act", I only mean to make it clear that even in the second proceeding, the Collector will follow the provisions laid down in this Act. I hope the Hon'ble Minister will please accept my motion.

Then so far as the third motion is concerned it relates to clause 29. Clause 29 of the Bill renders the whole institutions of Civil Courts *functus officio*. It says that no order of the Civil Court is to operate during and disturbing the possession of a tank or affecting or altering an order of a Collector or a decision of a revenue authority. Quite so, but it must not be a decision on right, title and interest then. If the order relates, for example, to the taking over of a tank and putting it under the control of a desirable person, that is altogether a different matter. But if the order of the Collector affects the right, title or legal interests of persons in a tank, then this order becomes an order of a very serious nature, and one should not think of ousting the jurisdiction of the Civil Court in such a matter. Therefore, Sir, I have suggested that those orders or decisions which do affect right, title and interest of persons in a tank, should be capable of revision by the Civil Court. The Civil Court should not be rendered *functus officio* so far as such orders are concerned. And I hope the Hon'ble Minister will take these points into consideration and accept my amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Rai Chaudhuri has moved three amendments on three different clauses. In the first amendment, his contention is that as record-of-rights has been completed practically in every district, it is not necessary to prepare separate record-of-rights for these tanks. My reply to his argument is that these records-of-rights may have become out of date already. Take for instance the district of Mymensingh where the record-of-rights was prepared as early as 1903. There the Collector will have to prepare separate and up to date record-of-rights; otherwise it is not

possible for him to work according to the provisions of this Act. But where the records-of-rights are not out of date but up to date, there naturally he will follow the records-of-rights prepared under the Bengal Tenancy Act.

Babu NAGAENDRA NATH SEN: Where is the guarantee for that?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Guarantee is common sense.

Where it is necessary to bring the record-of-rights up to date, separate record-of-rights would be prepared. It will not be an elaborate procedure as under Chapter X of the Bengal Tenancy Act, it will not take more than a day to prepare record-of-rights of a particular tank.

As regards the second amendment, I think it is hardly necessary because it is quite clear that the Collector should take steps under the provisions of this Act.

As regards the third amendment, I would draw Mr. Rai Choudhuri's attention to clause 29. It is nowhere mentioned that in matters of title, the jurisdiction of the Civil Court is ousted. What is stated here is this—that during the possession, the decision of the Collector will stand so that the improvement work may go on undisturbed. That does not affect the question of title. Once you introduce the clause suggested by Mr. Rai Chaudhuri, it will lead to litigation, and the work of improvement will be held up. I think, Bengal has suffered more from complicated litigations than from anything else and those who have got the interests of the rural areas at heart—those who want really to do something to bring about improvement of the tanks for the purpose of irrigation, should not support the introduction of the clause suggested by Mr. Rai Chaudhuri, because it is sure to lead to complicated litigations and ultimately to frustrate the whole object of this measure. With these few words, I oppose all the three amendments moved by Mr. Rai Chaudhuri.

Babu NAGENDRA NATH SEN: Sir, may I put a question to the Hon'ble Minister? Will the Hon'ble Minister kindly assure us with reference to clause 22 (amendment 66) that in districts where a Maintenance Officer is maintained, new records-of-rights will not be prepared as the Maintenance Officer keeps the register up to date.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no Maintenance Officer now.

Mr. SPEAKER: The question before the House is that in sub-clause (*1*) of clause 22, in line 3, the following words be inserted after the words "this Act" and before the comma—

"and are not recorded in any record-of-rights previously prepared and published under Chapter X of the Bengal Tenancy Act, 1885."

The motion was then put and lost.

Mr. SPEAKER: The question before the House is that Clause 22 stand part of the Bill.

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is that at the end of sub-clause (*2*) of clause 23 the following words be inserted:—

"in accordance with the provisions of this Act".

The motion was then put and lost.

Mr. SPEAKER: The question before the House is that Clause 23 stand part of the Bill.

The motion was then put and agreed to.

Clauses 24, 25, 26, 27, and 28.

Mr. SPEAKER: The question is that clauses 24, 25, 26, 27 and 28 stand part of the Bill.

The motions were then put and agreed to.

Clause 29.

The amendment of Rai Harendra Nath Chaudhuri that at the end of clause 29, the following words be added:—

"provided the order or decision does not affect the question of right or title to the tank"

was then put and lost.

Mr. SPEAKER: The question is that Clause 29 stand part of the Bill.

The motion was then put and agreed to.

Clause 30.

Mr. SPEAKER: The question is that Clause 30 stand part of the Bill.

The motion was then put and agreed to.

Clauses 31, 32, 33, 34, 35, 36 and 37.

Mr. SPEAKER: The question is that clauses 31, 32, 33, 34, 35, 36 and 37 stand part of the Bill.

The motion was then put and agreed to.

Preamble and long title.

Mr. SPEAKER: Mr. P. Banerji's amendments regarding the Preamble and the long title are not in order.

The question is that the Preamble stand part of the Bill.

The motion was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Tanks Improvement Bill, 1938, as settled in this Assembly be passed.

The motion was then put and agreed to.

Dr. NALINAKSHA SANYAL: Mr. Speaker, shall we not have prayer time now?

Mr. SPEAKER: Why is Dr. Sanyal so anxious to-day to say his prayers?

Dr. NALINAKSHA SANYAL: I wish to pray, Sir, for the peace of somebody's soul.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Or, perhaps, he wants to prey upon somebody!

The Bengal Maternity Benefit Bill, 1938.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Maternity Benefit Bill, as reported on by the Select Committee, be taken into consideration.

Sir, on the last occasion when I moved that the Bill be referred to a Select Committee, I placed before the House the provisions of

the Bill in brief, and therefore I will not go over them again at this stage. I would, however, like to point out to the House one very salient fact, and it is this, that the Bill is more or less an agreed measure. It goes with the good-will of the employers and I think it will be doing a positive disservice to the cause of labourers and to the cause of women labourers in particular, whose interests are being affected by this Bill, if an attempt is made to-day by honourable members to tamper with the Bill or to make it less workable. I realise, Sir, that this will afford a very fine opportunity to my labour friends to show a great deal of sympathy for labourers in general and to try to take advantage of the Bill for the purpose of proving that they are the persons who are most anxious for the welfare of labour. But I would at the same time request them not to take advantage of this particular measure in order to get back the popularity that they have lost, because, if this Bill does not pass with the good-will of the employers, then I am afraid that, as I have said before, the persons affected by it will suffer in the end. It is very easy, Sir, to go in for coercive legislation. If the majority of the House is in favour, we can go in for coercive legislation to deal with labour; but in the matter of industrial legislation it is preferable to have legislation in which there is a measure of agreement. For instance, if the figure with regard to the amount that should be paid to the women labourers is increased against the will of the employers, and the employers do not like it and they feel that it is being increased to an unfair degree, then it will be open to the employers, as I am told, has been unfortunately done by some of the employers in Bombay, to get rid of their women labourers gradually, so that they may not be called upon to bear this additional burden. I would, therefore, request the honourable members to keep this in mind when considering the various amendments, that we should have this Bill passed with the good-will of all concerned.

Babu KHAGENDRA NATH DAS GUPTA: Bengal Maternity Benefit Bill এর আলোচনা প্রসঙ্গে আমি অত্যন্ত দুঃখের সঙ্গে বলিতে বাধ্য হচ্ছি যে ক্রর scope পরিধী অত্যন্ত সংকীর্ণ করা হয়েছে। এই বাংলা দেশের কুলি-রমণীদের অধিকাংশকে এর আয়ত্বের বাহিরে রাখা হয়েছে। Plantations এর বিশেষ কোরে চাবাগানগুলির কুলিদের সম্পর্কে এই বিল কোন কাজে আসবে না। বাংলাদেশে প্রায় এক লক্ষ এগার হাজার কুলি-রমণী চাবাগানগুলিতে কাজ করে। যাঁরা চাবাগানের খবর রাখেন, তাঁরাই জানেন এই সব কুলি-রমণীরা কি অবস্থায় অনাবৃত মস্তকে উন্মুক্ত আকাশের তলে, কখন দারুণ রোদের তাপে, কখন ভীষণ বৃষ্টির জলে ঘন্টার পর ঘন্টা কাজ করে যায়, এমন ঘটনাও বিরল নয়—যে এইসব বাগানের কুলি-রমণী কাজ কোরতে কোরতে প্রসব বেদনায় আক্রান্ত হয়ে পড়েছে এবং অন্যান্য কুলি-রমণীরা এসে তাকে সেখানেই কাপড় ঘেরাও করে প্রসব করিয়েছে। এটা যে কি অমানুষিক ব্যাপার সেটা সভ্যেরা সবাই বুঝতে পারেন। অথচ এই সব চাবাগানের কুলি-রমণীদের এই বিলের সুবিধা থেকে বঞ্চিত করা হয়েছে। হুইটলে কমিশন এই সমস্ত চাবাগানের কুলি-রমণীদের জন্যও এইরকম একটা legislation এর সুপারিশ কোরেছেন। হুইটলে কমিশনের রিপোর্টের একটা অংশ মন্ত্রী মহাশয় গ্রহণ কোরেছেন, অথচ চাবাগানের কুলি-রমণীদের সম্বন্ধে যে অংশটাতে তাঁরা সুপারিশ কোরেছেন

সে অংশটা গ্রহণ করেন নাই। এই বিলে যে অবস্থায় এসেছে তা এ সময় সংশোধন প্রস্তাব গ্রহণ তাদের জন্য কিছু করা সম্ভব নয়। আমি আশা করি মন্ত্রী মহাশয় চাবাগানের কৃষি-রমণীদের জন্য শীঘ্রই এরকম একটা বিল আনবেন। চাবাগানগুলি অংশীদারদের জন্য যথেষ্ট ডিভিডেন্ট, শতকরা ৪০, টাকা থেকে ১৬০, টাকা পর্যন্ত প্রতি বছর ঘোষণা কোরে আসছেন; সুতরাং চাবাগানগুলি maternity benefit দিতে খুবই সক্ষম। এই সক্ষমতা থাকা সত্ত্বেও কেন যে গভর্ণমেণ্ট তাদের বাধ্য কোরছেন না—এই benefit দেবার জন্য আমি তা বুঝতে পারছি নে।

Mr. SPEAKER: The question before the House is that the Bengal Maternity Benefit Bill, 1938, as reported on by the Select Committee, be taken into consideration.

Dr. NALINAKSHA SANYAL: Is it in order Sir, to put the motion to the House without giving us an opportunity to speak on it and also to hear what the Hon'ble Minister has got to say in reply to the speech of my friend, Mr. Khagendra Nath Das Gupta?

Mr. SPEAKER: It is not your function, Dr. Sanyal, to work as Speaker here when I am on my legs.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that we are now at the stage of discussing the "consideration" motion of the Hon'ble Minister. I submit this is a matter which requires debate and the rules provide that the subject-matter before us should be fairly debated. I submit most humbly that this matter has not been replied to by the Hon'ble Minister in charge nor have other members taken sufficient part in the debate. I, therefore, request you most respectfully to permit a fair debate on this and ask the Hon'ble Minister to reply to the points raised by my honourable friend, Mr. Das Gupta.

Mr. SPEAKER: Well, it was open to members to take part in the debate immediately after the last speaker. No speaker, as a matter of fact, stood up, and as for the Hon'ble Minister it is open to him to reply or not to reply to the points raised by the last speaker. When nobody stood up, it was no business of mine to call upon anybody to take part in the debate.

The motion was again put and agreed to.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Privilege motion.

Mr. Khwaja SHAHABUDDIN: Mr. Speaker, Sir, I crave your indulgence to make a reference to the very unfortunate incident which took place this afternoon during the question time. The Deputy Leader of the Congress Assembly Party namely, Mr. Tulsi Chandra

Goswami, characterised that the Chief Minister was indulging in lies, and when your attention was drawn to the matter you asked him to withdraw the expression. He definitely refused to withdraw it in spite of your asking him to do so. And when you appealed to the Leader of the Opposition, even then Mr. Goswami, —as we could understand and I think as the report of the Official Reporters will show, —said, "If in the excitement of the moment I said something which is unparliamentary, I shall certainly apologise as a gentleman." I submit that in the first place in spite of your saying definitely that it was unparliamentary, he made a conditional apology saying "if it is unparliamentary". In the second place he indicated his willingness to withdraw his expression but did not definitely do so. He should now definitely and unreservedly withdraw the expression.

The second part is equally unparliamentary. It refers to the incident when you appealed to the Leader of the Opposition to help you in maintaining the discipline in the House and assist you. Mr. Tulsi Chandra Goswami said, "I belong to the front bench and happen to occupy the position of the Deputy Leader of the Congress Assembly Party. We have given you assistance, but now, Sir, you should assist yourself." This was the expression used by Mr. Tulsi Chandra Goswami. When you took exception to the last remark, Mr. Goswami again repeated the same thing. We feel, Sir, that he was casting reflection on the Chair which undermined the dignity of the Chair. You may, Sir, overlook it, but a very large number of members of this House, specially the members of this side, are not prepared to allow this incident to pass over without proper amends being made. So I would request you to ask Mr. Tulsi Chandra Goswami in the first place to withdraw that unparliamentary expression unreservedly and in the second place to make proper amends for taking up an attitude and doing something which is unbecoming his position as a member of this House and which cast reflection on the Chair.

Mr. JOGESH CHANDRA GUPTA: Sir, I do not know whether you desire to reopen the matter which is already over, so far as the discussion was concerned. But if you do so, may I draw your attention to the fact over which the question and answer cropped up. It was in connection with the question of advertisement regarding the filling up of the post of Principal of the Dacca School of Engineering. That was the question which was concerned. The Deputy Leader from this side asked the Hon'ble the Chief Minister whether the post had been advertised and on that he wanted a reply. Now, I will only read out from the authentic report of the Public Service Commission of which after a great deal of trouble I could purchase a copy. And it is written there "the Commission were also consulted on the 23rd April, 1937, about the selection of a Principal of the Dacca Ahsanullah

School of Engineering. The matter was previously considered by the old Selection Board which made some tentative recommendation. The Commission were unable to recommend any of the applicants and advised on the 6th May, 1937, that the post should be readvertised." This has not yet been done.

Now, going into the question of the merits, the Deputy Leader enquired of the Chief Minister whether any advertisement was done, and——.

Mr. Khwaja SHAHABUDDIN: I rise on a point of order. Sir, we are not discussing whether the statement of the Hon'ble the Chief Minister was correct or incorrect. But the point that we are concerned with here is whether a member is entitled to call another member that he is indulging in lies. Whether he had indulged in lies or not is not the matter for consideration in this House. (Shouts and cries of Oh! Oh! from the Opposition Benches.)

Mr. SPEAKER: Order, order. I think the House will realize that if at every statement there is a shout either from the right or from the left, that creates difficulty for the Speaker, and I do hope that whenever a statement is being made by one side, the other side will not shout. This time the shout came from the left, but that does not mean that I will not look to the shouts from my right and I do hope that whenever anything is done, it would be done in a manner befitting the dignity of this House.

Mr. K. NOORUDDIN: On a point of privilege Sir. There is another question I would like to bring to your notice. When you appealed to the Leader of the Opposition to help you or assist you in asking Mr. Goswami to withdraw the expression, the Leader of the Opposition took no notice of your appeal. When you appealed to him again for the second time, he behaved in a similar manner.

Mr. SPEAKER: I think that will do. For the time being I feel that, since the question of privilege has been raised, this is a matter which so far as to-day's incident was concerned, was closed. But I could not shut out any member from raising a question of privilege on this matter. Whether this is a violation of privilege or not, or whether this is a matter in which any further step will have to be taken, or not or whether Mr. Goswami in making his apology should have withdrawn or not, in view of my statement, is a matter that has passed out of my hands. For the time being, what I propose to do, in view of the fact that the question has been raised as a matter of privilege, is that I may refer the entire proceedings to the Privilege Committee if necessary, for such action as they may recommend in this matter.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I cut short the matter, Sir? The whole trouble arose when I made the statement that there was advertisement. It may be, Sir, that when Mr. Goswami made the remark, he was under a misapprehension, and I think it will clear matters if I place all relevant facts from the file before the House. It may be that Mr. Goswami will be prepared to reconsider the whole position, and there may be an end of the whole trouble.

It so happened that Mr. B. C. Gupta who was holding the post of the Principal of the Civil Engineering College was due to retire some time in 1936. The question of his successor arose, and there was an advertisement.

Dr. NALINAKSHA SANYAL: In which year, please?

The Hon'ble Mr. A. K. FAZLUL HUQ: That was in 1937.

Dr. NALINAKSHA SANYAL: 1936.

The Hon'ble Mr. A. K. FAZLUL HUQ: 1936, but the advertisement was really made in 1937, and I granted him an extension of service to enable me to find a suitable successor. Advertisements were made, and the letter I received from the Secretary to the Public Service Commission was this:

"I have the honour to refer to your letter (the date is the 6th of May, 1937, No. 1818 Education, dated the 23rd April, 1937), in which you request the Public Service Commisson to recommend in order of preference among the 25 candidates whose applications have been received in response to advertisement issued by your Department, those whom the Commission consider suitable for the post of Principal of the Ahsanullah School of Engineering, Dacca. The Bengal Public Service Commission observes that this matter of selection for the post of Principal, Ahsanullah School of Engineering, Dacca, previously came up before the Selection Board, and the proceedings of the latter body were complete. The Board appointed a Sub-Committee which after interviewing the candidates recommended as suitable for the post the three following candidates in the order named (that is in order of preference):—

(1) Mr. M. Hakim Ali

(2) Mr. S. Chakrevorty

(3) Mr. P. C. Sen."

Subsequent to the receipt of this Sub-Committee's report, the Selection Board called for and received certain confidential papers relating to Mr. Hakim Ali. From these papers it appeared that Mr. Hakim Ali had been in temporary employ in the Public Works Department in the North-West Frontier Province as Assistant Engineer, but that he had been discharged as unfit and unsuitable for employment in the Department. It is clear that a candidate with such a record is not suitable for employment as Principal of the Engineering School. The Selection Board decided that they were unable to recommend any of the candidates selected by the Sub-Committee with complete confidence. Then they recommended a further advertisement. Now, Sir, after this was done, as regards the charge brought against Mr. Hakim Ali, we referred the matter to the Government of the North-West Frontier Province.

Dr. NALINAKSHA SANYAL: May I at this stage, Sir, ask one question——

Mr. SPEAKER: Let the Hon'ble Chief Minister finish.

The Hon'ble Mr. A. K. FAZLUL HUQ: Then we wrote to the Government of the North-West Frontier Province for a complete record of the service of Mr. Hakim Ali, and the reply was this:

"In reply to your letter No. 3466 Education, dated the 4th November, 1937, I am directed to state that certain allegations were made against Mr. Hakim Ali, but they were not proved, nor was he given a chance to clear his position, and it can therefore be accepted that there is nothing against him. The reasons for the termination of his services was reduction of establishment."

This is dated the 8th October 1937. On receipt of this letter I noted that in view of the opinion expressed by the Public Services Commission, I will drop Mr. Hakim Ali, and I think it would be better to advertise both in India and in England so that we may have a very wide field of selection. Things were in this stage, and we had actually taken steps for advertisement when Mr. Gupta got a lucrative offer somewhere, and asked permission to retire. I tried to induce him to remain, but he would not, and the question arose of an emergent appointment for the post. In these circumstances, I again approached the Public Services Commission if they would agree to the appointment of Mr. Hakim Ali. They were not at first willing, but ultimately on a consideration of all the facts, they wrote this letter:—

"I am directed to refer to your letter No. 1219 Education, dated the 14th June, on the subject of temporary appointment to the post of Principal, Ahsanullah School of Engineering, Dacca. It appears that

the Education Department are already considering the scheme for reorganizing the school, and converting it into a first grade technological institute. While this scheme is under consideration, it will be necessary to find immediately a successor to the present Principal Mr. B. C. Gupta, I. E. S., who will retire from the beginning of July and Government accordingly propose to appoint Mr. Hakim Ali, District Engineer of Bakarganj, to the post of Principal temporarily with the concurrence of the Public Service Commission, Bengal. In reply, I am to state that in view of the urgency of the matter, the Commission have no objection to the appointment of Mr. Hakim Ali, now District Engineer of Bakarganj, to the post of Principal on a purely temporary basis on a consideration that he is the best qualified candidate who is immediately available."

Then, Sir, I did not allow the matter to rest there. I discussed the whole position with His Excellency the Governor and the last order that was passed was in His Excellency's own handwriting, namely, "Discussed with Hon'ble the Chief Minister I have no objection."

Dr. NALINAKSHA SANYAL: On a point of order, Sir Is the Hon'ble the Chief Minister entitled to refer to His Excellency's order?

Mr. SPEAKER: Mr. Huq, you cannot refer to His Excellency's order.

Mr. JOGESH CHANDRA GUPTA: May I make a statement, Sir?

Mr. SPEAKER: Let the Hon'ble the Chief Minister finish first.

Mr. JOGESH CHANDRA GUPTA: He has already finished, Sir.

The Hon'ble Mr. A. K. FAZLUL HUQ: No, I have not yet finished. Then on the question of advertisement, there was an advertisement, and as many as twenty-five candidates applied This was an extraordinarily large number, considering that the post required high technical qualifications. The Public Service Commission selected three candidates, and they were definitely of the opinion that Mr. Hakim Ali was the best of all the candidates, and the only thing against him was his previous record, and that was found on enquiry to be unsubstantiated by evidence. When we were considering the question of re-advertising and had actually taken steps in that direction, an emergency arose for finding an immediate successor to Mr. Gupta. I again wrote to the Public Service Commission to find out if, in these

circumstances, they would agree to the appointment of Mr. Hakim Ali and they agreed and on that basis, Sir, the appointment was made. I submit, Sir, that in all the statements that I have made there is no inaccuracy and nothing near about a lie. And I hope my friend Mr. Goswami will agree with me that when he made that remark he must have been under a misapprehension or he must have misunderstood me. If I am right I expect from him as a friend and as a colleague that he would withdraw that expression.

Mr. JOGESH CHANDRA GUPTA: May I make a statement, Sir?

Mr. SPEAKER: No. I can only allow Mr. Goswami to make a statement if he so wishes.

Mr. JOGESH CHANDRA GUPTA: But, Sir, I was in the midst of a statement when I was interrupted. I rise on a point of order. Is it your decision that though you gave an opportunity to the Government Whip to rise and speak I will not be allowed to finish my statement? If that is your decision, Sir, I have got to take it. I have to discharge my responsibilities to this side of the House. If it is your ruling that though the Whip on the other side could be allowed to make a statement and reopen the matter, I have no such right (because I happen to be the Whip of the Opposition) to complete my statement: if that is your ruling I will abide by it.

Mr. SPEAKER: The real question at issue was in connection with a certain expression which was used by Mr. T. C. Goswami. The question raised by Mr. Shahabuddin was only with reference to this statement and not as regards the merits of the case. The merits of the case can be raised either by the gentleman who replied on behalf of the Government or the honourable member who put the question. I am quite prepared to allow Mr. Goswami to make a statement if he so wishes. I do not think in a controversy like this it is fair for anybody else to do so. Mr. Goswami can, at this stage after hearing the statement of the Hon'ble the Chief Minister, make a statement if he likes. I asked him to withdraw the expression: he did not withdraw it, but he apologised without withdrawing. As to whether he will reconsider his decision and withdraw the expression now, it is entirely for him to say.

Dr. NALINAKSHA SANYAL: Sir, may I make a statement as I was the person responsible for putting the question?

Mr. SPEAKER: You have nothing to say in this matter. Yes, Mr. Goswami.

Mr. TULSI CHANDRA GOSWAMI: Sir, I am extremely thankful to Mr. Shahabuddin for having raised a point which caused some agitation in this House. At the same time, I fail to realise how when a gentleman apologises he does not realise that he withdraws that statement. It is an extremely rare instance in my life that a gentleman who professes to be a gentleman does not realise that an apology is far more than a withdrawal. I said very frankly to this House that if in the heat of the debate I used a word which was unparliamentary I apologise for it as a gentleman.

As regards the other point raised by Mr. Shahabuddin, namely, in reference to you, Sir, I hope you will bear with me when I say that it was under extreme provocation. For this reason, to say that the Leader of the Opposition or the leaders of the parties concerned in the Opposition were not mindful of their duties to the House, was a grave reflection. I repudiated it and I still repudiate it.

Then, Sir, as regards the matter over which the heat arose, the Hon'ble Mr. Fazlul Huq has made a statement. I have in my hand a document published by the Government of Bengal under the authority of the Public Service Commission and, therefore, I feel justified in questioning him as regards certain point, namely, the question of advertisement.

Then, Sir, as regards the unparliamentary word, probably no one in this House—I am sorry to say—has been guilty, more guilty, than the Hon'ble the Chief Minister himself in giving currency to unparliamentary language. It has just happened that his words have escaped your ears. (The Hon'ble Mr. H. S. SUHRAWARDY: They came after your words.)

Mr. SPEAKER: Both escaped my ears. I only took notice of them when it was brought to my notice.

Mr. TULSI CHANDRA GOSWAMI: I hope, Sir, that in future you will be more wide awake to the language used by the Hon'ble Mr. Fazlul Huq.

Dr. NALINAKSHA SANYAL: May I once more appeal to you that in view of the long statement made by the Hon'ble the Chief Minister in this connection and in view of the fact that I was responsible for putting this question you will let me have from the file he has before him one more information which is far more important?

Mr. SPEAKER: No.

Mr. SARAT CHANDRA BOSE: Sir, I hope you will permit me to add a few words. I entirely endorse the statement made by the Deputy

Leader of my party. If I rise to speak at all, it is only because of one observation which fell from the honourable member on the other side and that is when the Speaker appealed I did not respond. Sir, I entirely repudiate the allegation and possibly, Sir, if you had your eyes on this side I did speak something to Mr. Goswami after which he made the statement. We, on this side of the House, are gentlemen, and if we make use of any unparliamentary expression we withdraw it as gentlemen; and we are not going to emulate the tactics adopted recently by some members on the other side.

Mr. SPEAKER: I take it that, so far as this incident is concerned, it may be regarded as closed in view of Mr. Goswami's clear statement. He has both apologised and withdrawn the expression. Is not that correct, Mr. Goswami?

Mr. TULSI CHANDRA GOSWAMI: Yes, Sir, that one expression only.

Mr. FAZLUR RAHMAN: Sir, on the points of privilege raised by Mr. Nocruddin and Mr. Shahabuddin, namely, that Mr. Goswami said to you "You assist yourself"——

Mr. SPEAKER: Order, order. So far as that is concerned, it is not at all desirable that this matter should be debated in the House. If the honourable members so desire, I may refer it to the Committee of Privileges.

Mr. Khwaja SHAHABUDDIN: On a point of order, Sir. What I would like to submit is that Mr. Goswami said that he used the expression under grave provocation. I do not know whether he meant that he got the provocation from the Chair. In that case it is a reflection on the Chair itself.

Mr. SPEAKER: Order, order. It is not a reflection on the Chair.

Mr. SARAT CHANDRA BOSE: I have heard it said "a point of privilege." I fail to appreciate whose privilege is this.

Mr. SPEAKER: The point of privilege raised is about the conduct of Mr. Goswami in using that expression which he did use and to which I took exception. I do consider that it is not desirable from any point of view on the part of any member to tell the Speaker to "assist himself" even under great provocation. I did not like to create a scene. I consider that the honour and dignity of the Chair lies more with the members of the House than with himself. So I took exception to the expression used by Mr. Goswami. I gave an opportunity

to Mr. Goswami to make a statement which he has done. Now, if any member wishes to proceed in the matter, he should bring in a privilege motion. I do feel that in future it should be understood that it is not the function of anybody to advise the Speaker openly in this House as to what he should do, except in a manner which is in consonance with Parliamentary practice. In this House times without number, I have sought the advice of the members as I know that I am not infallible, and particularly as we are now only passing through the early stage of Parliamentary life. I do feel that I took exception to Mr. Goswami's expression because I considered that it was not merely the statement, but the attitude of Mr. Goswami was such that it was a reflection on the conduct of the Speaker. In any case, I won't allow any debate now in this matter. I gave an opportunity to Mr. Goswami to make a statement which he has done. Now, if anything further is to be done, it is not for me but for the members to do so, after reference to the Committee of Privileges, if they so wish.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. If anything further was to have been discussed about a matter which was ended by your ruling, it should have been done by way of a motion. I submit that it is not in order to allow anybody to raise a matter which has been disposed of by the Speaker. If that is once allowed, as has been allowed this evening, no matter will be decided and the Speaker's ruling can be reopened and matters can be re-agitated. That is a matter to which I respectfully draw your attention, because according to Parliamentary practice——

Mr. SPEAKER: I understand your point. I find that I have been misunderstood on my left. All I meant was that if this matter is to be referred to the Committee of Privileges it will have to be brought as a substantive motion in this House.

Mr. JOGESH CHANDRA GUPTA: I wanted only to ask you, Sir, if it is in order to allow this discussion. Can this discussion, which has taken place to-day without a substantive motion being brought, be a part of the proceedings?

Mr. SPEAKER: Yes, it should be a part of the proceedings. If anything further is to be done, it has to be done by tabling a motion of privilege, but as the question has been raised by my left that a question of privilege can only be discussed on a substantive motion of privilege, if a member so desires he can bring in a motion to that effect.

Mr. FAZLUR RAHMAN: On a question of privilege, Sir. Matters affecting the privilege of the House can be brought by a notice which can be given on the floor of this House.

Mr. SPEAKER: Yes; what I am asking you is that you must frame a proper motion and bring it before the Speaker before it can be discussed.

We should now proceed with the consideration of the Bengal Maternity Benefit Bill, 1938.

The Bengal Maternity Benefit Bill, 1938.

Clause 1.

Mr. SPEAKER: There is no amendment on clause 1.

The question before the House is that clause 1 stand part of the Bill.

The motion was then put and agreed to.

Mr. SIBNATH BANERJEE: On a point of information, Sir. I had an amendment on clause 1 but I do not find it in the printed agenda

Mr. SPEAKER: I think you should have drawn attention to this matter earlier. This agenda was circulated long before and you did not do anything. So I cannot help it.

Clause 2.

Mr. SPEAKER: Mr Sibnath Banerjee's first amendment is beyond the scope of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that in sub-clause (c) of clause 2, line 2, after the figure "1934," the following be inserted, namely:—

"and includes a place declared to be a factory under sub-section (*1*) of section 5 of this Act."

There are certain institutions that do not come under the purview of the Factories Act of 1934 unless they are declared as factories under section 5.

Mr. SPEAKER: The question before the House is that in sub-clause (c) of clause 2, line 2, after the figure "1934," the following be inserted, namely:—

"and includes a place declared to be a factory under sub-section (1) of section 5 of this Act."

The motion was then put and agreed to.

Mr. SIBNATH BANERJEE: I beg to move that in sub-clause (3) of clause 2, lines 2 and 3, the words "but does not include a seasonal factory" be omitted.

Sir, by the deletion of these words, the effect will be that the employees of such factories as sugar-mills and rice mills will get the benefit of this Bill. Therefore, I propose that this amendment be accepted.

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry that I cannot accept it. The basis of the Maternity Benefit Bill is that for women to be entitled to the benefit, they should have been in the employ of a particular factory or institution for 9 months. In a seasonal factory that continuity is lost. It is, therefore, against the principle of the Bill to include seasonal factories within its purview.

The amendment of Mr. Sibnath Banerjee was then put and a division called but was not pressed at the second time of putting it to the House, and the motion was lost.

Mr. MD. ABUL FAZL: Sir, is it fair that the Opposition should waste the time of the House in this way?

Mr. SPEAKER: Well, I may only say that in future divisions should be called only after consulting the leaders of their respective parties.

Mr. JOGESH CHANDRA GUPTA: But, Mr. Speaker, on second thoughts a division may be called off but I do not think that anybody is entitled to say that it is a waste of time.

Mr. SPEAKER: Order, order. I find that an unfortunate practice has grown up in certain sections in this House of congregating and holding gossips. I hope this should not be done.

I will now put the clause.

The question is that clause 2 as amended stand part of the Bill.

The motion was then put and agreed to.

Clause 3.

Maulvi AZHAR ALI: I beg to move that in sub-clause (*1*) of clause 3, line 2, for the words "four weeks" the words "six weeks" be substituted.

My object in moving this amendment is that after delivery the mother becomes generally very weak; so it would be prudent if the time is extended from four to six weeks. I have nothing more to say, Sir.

Babu KHAGENDRA NATH DAS GUPTA: I beg to move that in clause 3 (*1*), line 2, for the words "four weeks" the words "five weeks" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, much as I would like to grant further benefits to the women labourers, I am afraid that this is carrying things a little bit too far. Honourable members will realise that the 8-week maternity benefit which is being given in this bill is in consonance with the present practice, and this merely crystallies what is already being given by the mill-owners of Calcutta, particularly the European mill-owners. I remember that when first this demand came to be placed on behalf of the labour party before the country, they started it with a 6-week benefit all told. Then they made it into a 8-week benefit and at the time when the jute strike was closed on the last occasion one of the items pressed by the labour party was that the maternity benefit should be an 8-week one. Since then, —I suppose in order to get into further favour with the labourers— various other figures like 10-weeks and 12-weeks have been spoken of. But in these instances——.

Mr. SIBNATH BANERJEE: Sir, I rise to a point of order. Is the Hon'ble Minister allowed to make insinuations against labour leaders?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am not saying anything against Mr Sibnath Banerjee as such. It is only against those labour leaders who have shifted their position from 6 weeks to 8 weeks and would now like to make it 10 weeks or 12 weeks. There is no justification for it, Sir I would once more request the House to remember that a Bill of this agreed type should pass with the good will of the employers instead of an attempt being made to extort from the employers concessions which they are not prepared to give and the result will be that the women affected by this Bill will be thrown out of employment. If my friends on the other side are really anxious for the welfare of labour then they should withdraw both these amendments.

The amendment of Maulvi Azhar Ali was then put and lost.

The amendment of Babu Khagendra Nath Das Gupta was then put and lost.

Mr. SPEAKER: The question is that clause 3 stand part of the Bill.

The motion was then put and agreed to.

Clause

Mr. SIBNATH BANERJEE: I beg to move that in sub-clause (*1*) of clause 4, line 6, for the words "eight annas" the words "twelve annas" be substituted.

The effect of this change will be as follows:—

At present as the Bill stands the minimum wage is to be taken as eight annas; if it is less, then, also, it will be taken as eight annas; we are now making a suggestion that instead of eight annas it should be twelve annas. The demand of the All-India Trade Union Congress has been for a long time, that the minimum wage should be Rs. 30 per month, that is, one rupee a day. But as had been pointed out in the Select Committee, we want to get co-operation of the mill-owners in this matter and therefore as a compromise we are demanding only twelve annas, and I think, specially considering the period of maternity, eight annas is very insufficient. And all that we are now asking for from the employers is that during these two months they will get Rs. 45 and that is not a big sum, specially if we remember that at this time the needs of a woman are the greatest. Therefore, I think, Sir, society should at least ensure this much for her.

Mr. SIBNATH BANERJEE: Sir, I beg to move that in the proviso to sub-clause (*1*) of Clause 4, line 4, for the words "nine months" the words "six months" be substituted.

It is provided in the Bill that a period of nine months must elapse before a woman worker is entitled to the Maternity Benefit. Instead of nine months we press for six months because that is quite enough for the purpose.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am afraid, this is one of those opportunities which my friend, Mr. Sibnath Banerjee, and his friends were seeking for the purpose, if I may say so, of showing themselves off and to save their position as Labour leaders. I am sorry, I cannot agree to either of the amendments which he has moved. The Bill as it stands, goes farther than any Bill at the present moment in India. In other provinces provision has been made for the payment

of actual wages or eight annas, whichever is less. That means that if a woman labourer is getting less than eight annas per day as wages, she will be entitled to the lesser wage. In this Bill we have made just the reverse of that, namely, that if she is earning more than eight annas, she will get more. The last words of Mr. Sibnath Banerjee when he says that it is the duty of the society to look after the women really destroy his case. If social workers and social welfare organisations for that purpose are established, I do not know why they should not come to the help of the mother and supplement her resources. But that is a vastly different thing from calling upon the employers to do the same.

With regard to the period, the whole principle of the Bill is that the woman should be in the service of the employer for nine months which is ordinarily the period of gestation, and that the employer ought not to be held liable for paying maternity benefit to a woman in whose service she was not at the time when the child which was ultimately born had been conceived. This is really a matter of principle. I may inform the House that in the Bombay Act they first had six months but in 1934 they changed it to nine months because they felt that six months would be unfair and nine months would be in consonance with principles.

The motion of Mr. Sibnath Banerjee that in sub-clause (*1*) of clause 4, line 6, for the words "eight annas" the words "twelve annas" be substituted was then put and lost.

The motion of Mr. Sibnath Banerjee that in the proviso to sub-clause (*1*) of clause 4, line 4, for the words "nine months" the words "six months" be substituted, was then put and lost.

Mr. SPEAKER: The question before the House is that Clause 4 stand part of the Bill.

The motion was then put and agreed to.

Clauses 5 and 6.

Mr. SPEAKER: The question is that clauses 5 and 6 stand part of the Bill.

The motion was then put and agreed to.

Clause 7.

Mr. SIBNATH BANERJEE: Sir, I beg to move that in sub-clause (*2*) (*a*) of clause 7, line 1, for the word "sufficient" the words "very grave" be substituted.

In this House, Sir, it has become rather difficult to suggest any amendment because immediately the Labour Minister will come forward and start imputing motives without any reason whatsoever.

Sir, I beg to move in sub-clause (2) (a) of clause 7, lines 2 and 3, for the words "three months" the words "six months" be substituted.

I beg also to move that to sub-clause (3) (b) of clause 7, the following be added, namely:—

"except when an appeal is made within sixty days before the Labour Commissioner whose decision shall be final."

All these, Sir, refer to the facilities which we want for the woman worker to enable her to put her case before the authorities.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I will pour some balm on the wounded soul of Mr. Sibnath Banerjee, and prove to him that we are not unreasonable.

With regard to his first amendment that "sufficient cause" should be changed to "very grave cause", I oppose it for really it is not an improvement in drafting and conveys nothing new.

The second amendment, viz., that "within a period of six months before her delivery", I am prepared to accept. Then he suggests that there should be an appeal against the decision of the Inspector of Factories on the question as to whether there was sufficient cause or not. Sir, with regard to this, the drafting suggested by Mr. Sibnath Banerjee is not very happy. For instance, his amendment read thus—"If any question arises as to whether any notice of dismissal is one to which clause (a) applies, such question shall be referred to the Inspector of Factories whose decision thereon shall be final except when an appeal is made within 60 days before the Labour Commission whose decision shall be final." I think the drafting would be better like this—that after "the Inspector of Factories" there should be a full stop. Another sentence would come after this, viz., An appeal within 60 days shall lie before the Labour Commissioner whose decision shall be final. I am prepared to accept this amendment to the amendment proposed by Mr. Sibnath Banerjee.

The motion of Mr. Sibnath Banerjee that in sub-clause (2) (a) of clause 7, line 1, for the word "sufficient" the words "very grave" be substituted, was by leave of the House withdrawn.

The motion of Mr. Sibnath Banerjee that in sub-clause (2) (a) of clause 7, lines 2 and 3, for the words "three months" the words "six months", be substituted, was then put and agreed to.

The amendment of Mr. Sibnath Banerjee as subsequently amended by the motion of the Hon'ble Mr. H. S. Suhrawardy, namely, that to

sub-clause (2) (b) of clause 7, there should be a full stop after the words "the Inspector of Factories" and then with the addition of the following sentence, namely,—

"An appeal within sixty days shall lie before the Labour Commissioner whose decision shall be final",

was then put and agreed to.

Mr. SPEAKER: The question is that clause 7, as amended, stand part of the Bill.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 22nd August, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 22nd August, 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 226 members.

STARRED QUESTIONS

(to which oral answers were given)

Arrest of Mr. Mukunda Bhanja.

*128. **Mr. SIBNATH BANERJEE:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether Mr. Mukunda Bhanja was arrested by a sergeant on the morning of the 2nd August, at Strand Road?

(b) Will the Hon'ble Minister be pleased to state whether he was—

(i) detained by the same sergeant;

(ii) taken to Burrabazar thana; and

(iii) released by thana authorities?

(c) Is the name of the sergeant, F. H. Bowl?

(d) Whether it is a fact that the sergeant is not a member of the Bengal Police, but is an employee of the Bengal Mint?

(e) Whether Government are aware that Babu Mukunda Bhanja is an official of Calcutta Mint Workers' Union which is a registered union?

(f) Whether Government will consider the desirability of having a thorough enquiry into the whole incident?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a), (c), (e) and (f) No.

(b) (i) He was not detained by any sergeant.

(ii) He was asked by the Mint Guard sergeant to accompany him to Burrabazar police-station.

(iii) Does not arise.

(d) He is a Calcutta Police sergeant and not an employee of the Mint.

Mr. SIBNATH BANERJEE: On a point of privilege, Sir. We got the answers only five minutes back, and it is not possible to frame supplementary questions at such short notice.

Mr. SPEAKER: I quite appreciate this point, but unfortunately the other House was sitting till 10 minutes back, and we could not place the agenda papers till their sitting was over. So long as the present system continues, and the Council has to sit in this House, I am afraid this will be inevitable.

Mr. SIBNATH BANERJEE: May I suggest, Sir, that the questions be held over for to-morrow?

Mr. SPEAKER: Well, I do not mind it if the Hon'ble Minister has no objection.

Mr. RASIK LAL BISWAS: এই arrangement বদলাইবার কিছু কি সুযোগ নাই?

Mr. SPEAKER: Not till another House is constructed.

Babu NAGENDRA NATH SEN: May I suggest that the questions and answers may be supplied to the members on the previous day as was suggested during the last session of the Assembly?

Mr. SPEAKER: Under the present rules they should be placed on the same day, and unless new rules are framed, we will have to follow this practice.

Questions, please.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state—

Mr. SIBNATH BANERJEE: Sir, I have not got any reply yet whether the questions can be held over for to-morrow.

Mr. SPEAKER: Let Dr. Sanyal finish his question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the sergeant who asked him to accompany to the Burra Bazar police-station threatened detention or arrest if he refused to accompany him?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am not aware of any such threat.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware of the fact that the sergeant held his hand when he carried him to the Burra Bazar police-station?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: It does, Sir. Because the Hon'ble Minister says "he was not detained by any sergeant" and not arrested, but he was asked to accompany. Now, asking to accompany, Sir, with the hand held by a sergeant is, what amounts to ordinary human intelligence, arrest.

Mr. SPEAKER: You want an answer on that.

Dr. NALINAKSHA SANYAL: Yes, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am not aware that he was taken to the police-station with both of his arms——

Dr. NALINAKSHA SANYAL: Not both, one.

The Hon'ble Khwaja Sir NAZIMUDDIN: ——or one of his arms held by a sergeant. All I know is that he was asked and he was taken to the Mint.

Dr. NALINAKSHA SANYAL: "Taken", that is what I want to know.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is to say, the sergeant accompanied him to the police-station. That is what I meant to say when I said he was "taken" to the Mint.

Mr. SIBNATH BANERJEE: Is the Hon'ble Minister aware that the sergeant in question told Mr. Mukunda Bhanja that "you are under arrest, and you must accompany me"?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: It does arise, Sir. Because the Hon'ble Minister said that he was not under arrest.

Mr. SPEAKER: I think I have drawn repeatedly the attention of the members to our rules and regulations, and, I am bound by the present Rules and Standing Orders. So long as the present rules stand my difficulty is this; Rule 35 says that "any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given." Now, the Hon'ble Minister has not said anything concerning this matter. It is quite possible that what you are saying are the real facts, but so long as those facts are not given in the answer, a supplementary question does not arise.

Mr. SIBNATH BANERJEE: My submission is that the Hon'ble Minister has denied the fact of arrest. I want to prove that the man was arrested.

Mr. SPEAKER: You can prove that by any other method except by a new question.

Dr. NALINAKSHA SANYAL: May I draw your attention to the same rule that you have kindly read out, and also draw your attention to the answer to (*a*) where specifically the question was whether the Hon'ble Minister was aware of the fact of arrest by a sergeant, to which the reply is "no", that is, "not arrested". My friend wants to make it clear whether the person who was asked to accompany, as has been stated in the reply, was actually told by the sergeant that he was under arrest. That is only to elicit further information of fact relating to a matter on which answer has been given.

Mr. SPEAKER: Where does that fact arise?

Dr. NALINAKSHA SANYAL: The fact is stated to be otherwise, and my friend wants to elicit further information.

Mr. SPEAKER: Where? Is it in the question or in the answer?

Dr. NALINAKSHA SANYAL: The answer to question (*a*) is "no", and relating to that answer my friend wants further information as to whether this answer gives the true picture.

Mr. SPEAKER: What is the question?

Mr. SIBNATH BANERJEE: Sir, my question was "whether the Hon'ble Minister is aware that the said sergeant told Mr. Mukunda Bhanja that he was under arrest and he was taken to the thana".

Mr. SPEAKER: That does not appear either in the question or in the answer.

Mr. SIBNATH BANERJEE: From the denial that it is not so.

Mr. SPEAKER: I am sorry, that will be stretching it too far.

Mr. SIBNATH BANERJEE: May I read the first question? It is whether Mr. Mukunda Bhanja was arrested by a sergeant on the morning of the 2nd August on the Strand Road, and the reply is "no".

Mr. SPEAKER: You can try to find out in every possible way the truth or otherwise of the statement, except by a new question. It must appear either in the question or in the answer.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is an after-thought of the sergeant to state that he did not arrest the gentleman concerned, but the gentleman was only asked to accompany him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I deny the insinuation contained in the question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any portion of the salary or emoluments of this sergeant in question is received from the Mint authorities?

The Hon'ble Khwaja Sir NAZIMUDDIN. I ask for notice

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state why Mr. Mukunda Bhanja was asked to accompany the sergeant to the thana?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Mr. Mukunda Bhanja was seen collecting a crowd on the footpath of Strand Road outside the Mint taking down the names and thumb impressions of certain persons on a piece of paper and demanding money from them. As the man was unknown and as he did not disclose his identity the Mint guard sergeant, F. H. Burt, asked him to accompany him to the Burra Bazar police-station.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to his answer "no" to question (1), what are the reasons for Government not considering the desirability of enquiring into the incident?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because the Government are satisfied after enquiry that the Mint guard sergeant acted according to what he was supposed to do.

Dr. NALINAKSHA SANYAL: Is it a fact that the Mint guard sergeant took this gentleman concerned to the thana and the thana

officer did not consider the offence serious enough to enable him to bring the offence under the cognizance of the law?

The Hon'ble Khwaja Sir NAZIMUDDIN: No. He left after furnishing necessary particulars to the thana officers, and the thana officers were satisfied as to the identity, and then he was not detained any longer.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be kind enough to state whether it was the option of Mr. Mukunda Bhanja not to have gone to the thana with the sergeant?

Mr. SPEAKER: That is a question of law.

Total number of officers, clerks, librarians, guards, duftries, menials, etc., of the Bengal Legislative Assembly Department.

*129. **Mr. FAZLUR RAHMAN:** Will Mr. Deputy Speaker of the Bengal Legislative Assembly be pleased to lay on the table a statement showing for the present time—

(a) the total number of officers, clerks, librarians, guards, duftries, menials, etc., of the Bengal Legislative Assembly Department; and

(b) the number of Muslims in the department?

Mr. M. ASHRAFALI: A statement is laid on the table.

Statement referred to in the reply to starred question No. 129.

Designation and post	(a) Total.	(b) Number of Muhammadans.	Vacant.
Officers	4	2	
Clerks	*39	20	1
Record supplers	2	1	
Library staff	†3	Nil	2
Caretaker and Marshal	1		1
Guards	Nil	Nil	Nil
Menials			
Duftries	3	2	..
Jamadars	2	1	..
Other establishment.			
Menials	33	19	
Contingency menials	31	2	

*Including Superintendent, Stenographer, Upper Division, Lower Division, Typists, Moharrirs.

†Including Librarian, clerk, duftry.

Maulvi ABDUL LATIF BISWAS: Will the honourable the Deputy Speaker be pleased to state why there are only two Muslims among 31 contingency menials?

Mr. M. ASHRAFALI: They are forashes and mehtars.

Mr. RASIK LAL BISWAS: Statement-এ দেখছি clerks ৩১ জনের মধ্যে ২ জন Muhammadans আর বাকি যে ১৯ জন রয়েছে তার মধ্যে scheduled caste ক'জন দয়া কোরে বোলবেন কি?

Mr. SPEAKER: The question does not arise.

Dr. NALINAKSHA SANYAL: Will the Deputy Speaker be pleased to state the method by which these clerks and assistants have been recruited?

Mr. M. ASHRAFALI: If the honourable member wants a full answer, I would like to have some time.

Dr. NALINAKSHA SANYAL: Will the Deputy Speaker be pleased to state how many of this list have been appointed since 1st April, 1937?

Mr. M. ASHRAFALI: I ask for notice. I cannot answer that off-hand.

Road projects and bridges sanctioned by Road Board in Bakarganj district.

*130. **Mr. UPENDRANATH EDBAR:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) the number and names of road projects and bridges that stand sanctioned on the recommendation of the Road Board in the district of Bakarganj;

(*ii*) the number of them that are to be taken up; and

(*iii*) the year when they are to be taken up?

(*b*) If the answer to (*a*) is in the negative, do the Government consider the desirability of sanctioning any road projects and bridges in the said district in the near future?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (*a*) (*i*) Nil.

(*ii*) and (*iii*) Do not arise.

(*b*) The matter will be considered with the comprehensive programme of road development for Bengal.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of including the project of connecting the Jessore-Calcutta Road with Barisal in the comprehensive road programme of Bengal?

Mr. SPEAKER: That question does not arise.

Mr. ABDUL WAHAB KHAN: Sir, it arises with reference to answer (b) "sanctioning any road projects and bridges in the said district in the near future".

Mr. SPEAKER: But what you have mentioned is not stated in the answer.

Excavation of Bemorta canal in Khulna district.

***131. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he has received a largely signed memorial, dated the 17th September, 1937, regarding the excavation of Bemorta canal in the district of Khulna?

(*b*) If so, what action, if any, have the Government taken in the matter?

(*c*) Have the Government received any report or expert opinion about the dangers to public health and agriculture of the locality from the present condition of the canal?

(*d*) If so, do the Government contemplate taking up the excavation of the canal immediately?

(*e*) Are the Government considering the desirability of excavating the canal running through the subdivisional town of Satkhira commonly known as Sayer canal, the necessity of which was brought to the notice of the Hon'ble Minister during his recent visit to Satkhira?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) and (*e*) Yes.

(*b*) and (*d*) The matter is under consideration.

(*c*) I am aware that the canal needs excavation.

The construction of the Dacca-Aricha Road.

*132. **Mr. BIRENDRA NATH MAZUMDAR:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(a) whether the Government have finished their investigation about the Dacca-Aricha Road for motor and bus transport;

(b) what decision have the Government arrived at about the construction of the said road; and

(c) whether the Government intend making provision for the road in the next year's Budget.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (a) Only the hydraulic observations have been completed by the experts in the Irrigation Department.

(b) No decision can be arrived at till the reports of the Irrigation Department and of the Public Health Department have been received and considered.

(c) No.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state when the reports of the Irrigation Department and Public Health Department were called for?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I think a few months back.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he personally inspected the project in the month of January, 1938, in company with the Chief Engineer, Irrigation Department, and the Executive Engineer, Dacca Range?

Mr. SPEAKER: That question does not arise.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state when the reports of the Irrigation Department and the Public Health Department are expected to be received?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Shortly.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether about a year or so the Executive Engineer, Irrigation Department, submitted his report in the favour of this project?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: It is not a question for any officer of the Irrigation Department to submit report either in its favour or against it. He is only to suggest ways and means for the maintenance of the natural drainage in the alignment and also for non-interference with the spill of the adjacent rivers.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state when the reports of the Irrigation Department and Public Health Department, will see the light of the day?

Mr. SPEAKER: That question has already been answered.

Mr. Khwaja SHAHABUDDIN: Will the Hon'ble Minister be pleased to state whether it is not a fact that the Chief Engineer, Irrigation Department, investigated the objections that were raised against this road, specially with regard to objections about the interference with the spill of the river and other matters and is it also not a fact that his report was to the effect that there was practically very little interference?

The Hon'ble Maharaja SRIS CHANDRA NANDY of Cossimbazar: I think it is quite correct to say that it is possible to get rid of some of the difficulties that were mentioned before.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the construction of the road is being delayed in order to give benefit to I. G. R. S. N. & Co.?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the interests of the I. G. R. S. N. & Co. stand in the way of this project?

Mr. SPEAKER: That question does not arise.

Muslim officers of all grades and classes in the Secretariat Departments.

*133. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** *(a)* Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing for the present time—

(*i*) the number and names of all the departments of the Government in the Bengal Secretariat; and

(*ii*) the number of Hindus, Muslim, Christian and Scheduled Caste officers of all grades and classes in each department?

(*b*) If the number of Muslim officers of all departments is not proportionate to the total strength in the department, is the Hon'ble Minister considering the desirability of appointing a number of Muslim officers in all grades and departments so as to raise their proportion to at least 45 per cent.

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*b*) The whole question of communal representation in the various services is under consideration of the Government and until any decision is reached on the general question, it is not possible to consider the specific case of communal representation in the appointments to the various posts in the Secretariat.

Statement referred to in the reply to clauses (a) (i) and (ii) of starred question No. 133.

Name of Department.	Number of officers.			
	Christian	Muslim	Hindu	Scheduled Caste.
1. Home Department	5	2	2	.
2. Finance Department	2	2	4	.
3. Revenue Department 4. Forest and Excise Department	1		3	
5. Agriculture and Industries Department	1	2	.	
6. Co-operative Credit and Rural Indebtedness Department	1	..	..	..
7. Communications and Works Department	1	1	1	.
8. Judicial and Legislative Department	2	..	3	..
9. Public Health and Local Self-Government Department	.	1	3	..
10. Education Department	1	2	..	.
11. Commerce and Labour Department	1	..	.	..
Total	15	10	16	1
	42			

Mr. PROMATHA RANJAN THAKUR: The present Ministry has been in office for the last seventeen months——

Mr. SPEAKER: That is not a question. Please put it in the form of a question.

Mr. PROMATHA RANJAN THAKUR: Yes, Sir. I am doing it. Up till now the question of communal representation has not been taken up. Will the Hon'ble Minister be pleased to state exactly when this question will be taken up by Government and a circular issued to the different departments?

The Hon'ble Mr. NALINI RANJAN SARKER: As soon as possible.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state for how many months this question of the fixation of percentage will be under the consideration of Government?

The Hon'ble Mr. NALINI RANJAN SARKER: For about a year or so.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the existing proportion of appointments is in accordance with the present rules?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, with regard to new appointments but not as regards old appointments.

Mr. RASIK LAL BISWAS: Statement থেকে দেখছি ১৫ জন খৃষ্টান, ১০ জন মুসলমান, ১৬ জন হিন্দু আর একজন মাত্র scheduled caste appointed হয়েছে। Scheduled casteএর সংখ্যা বাড়িয়ে দেবার জন্য গভর্ণমেন্ট কি কোরছেন?

The Hon'ble Mr. A. K. FAZLUL HUQ: যা কিছু কোরেছে তা এই গভর্ণমেন্টই কোরেছে আর কেউ কিছু করে নাই।

Anti-malaria programme and the anti-tuberculosis scheme.

***134. Rai MARENDRA NATH CHAUDHURI:** (*a*) With reference to the answer given on the 1st March, 1938, to starred question No. 83, will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether Government have finished consideration of the comprehensive anti-malaria programme and the examination of the anti-tuberculosis scheme?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government are now in a position—

(i) to publish the said programme and scheme; and

(ii) to give effect to them?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) A comprehensive malaria survey, the result of which is expected to be of great value in the framing of schemes, is making rapid progress. Several anti-malaria projects, which have been prepared by District Boards, are under examination and it is hoped to take up some of them within the current year.

As regards the anti-tuberculosis scheme, provision has been made in the current year's budget for giving effect to two of its essential parts, viz.—

(1) training of Medical and Health Officers and early diagnosis and modern treatment of tuberculosis; and

(2) provision for nourishment and treatment of tuberculosis patients in district hospitals.

The other parts of the scheme are under examination.

Provision has also been made in the budget for a tuberculosis survey of typical industrial and rural areas and it is proposed to commence the survey almost immediately.

(b) Does not arise.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to refer to part (a) of his answer and reply when was the comprehensive malaria survey undertaken, and when is it expected to be finished?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice of the first part of the question, and as regards the second part I am unable to reply to it in any event.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether any provision for sanitarium treatment is considered an essential part of anti-tuberculosis scheme or not?

The Hon'ble Mr. H. S. SUHRAWARDY: Sanitarium treatment is an essential part.

Rai HARENDRA NATH CHAUDHURI: But what provision has been made for it?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is probably thinking of climatic sanitarium?

Rai HARENDRA NATH CHAUDHURI: Yes, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member should realise that sanitarium treatment is of various types, climatic and otherwise; and both may be considered to be essential for a big comprehensive scheme of tuberculosis.

Rai HARENDRA NATH CHAUDHURI: My question has not been answered. May I know what provision has been made?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member will please see the budget

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to name the district hospitals in which provision for nourishment and treatment has been made?

The Hon'ble Mr. H. S. SUHRAWARDY: They have been selected, I understand. But if the honourable member wants further details, I would ask for proper notice or he may come and see me in my office

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state projects of how many district boards are under the consideration of Government?

The Hon'ble Mr. H. S. SUHRAWARDY: Those district boards that have sent in their projects

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় কি অনুগ্রহ করে বোলবেন, এই ব্যাপক পরিকল্পনাকে সফল করবার জন্য যক্ষ্মা তহবিল হতে তিনি কি ৫০ হাজার টাকা কেটে নিয়েছেন?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I point out if it is in order for an honourable member to go out of his way and put a question in a very stiff and literary Bengali, when he can put it in easy Bengali, and make it difficult for one to answer the question

Babu NARENDRA NARAYAN CHAKRABARTY: আমার প্রশ্ন স্পষ্ট এবং পরিস্ফুট; আমি এই স্পষ্ট প্রশ্নের স্পষ্টতর আপনার কাছ থেকে আশা করি।

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is not very clear in his question. There are two items involved in this question—one is the comprehensive malaria survey and the other comprehensive tuberculosis survey. When the honourable member talks of comprehensive survey, it does not refer either to the one or to the other.

Babu NARENDRA NARAYAN CHAKRABARTY: আমার প্রশ্ন হচ্ছে—মন্ত্রী মহাশয় যক্ষ্মা রোগ নিবারণের জন্য একটা ব্যাপক পরিকল্পনা, অর্থাৎ Comprehensive Scheme করেছেন এবং সেই ব্যাপক পরিকল্পনাকে সার্থক ও জয়যুক্ত করবার জন্য যক্ষ্মা রোগ নিবারণ তহবিলের জন্য যে টাকা বরাদ্দ করা হয়েছে তা থেকে ৫০ হাজার টাকা কেটে নিয়েছেন কি না?

The Hon'ble Mr. H. S. SUHRAWARDY: না, না, একেবারেই ভুল।

Nuisance created by North Bengal Sugar Mills, Ltd., Gopalpur, Rajshahi.

***135. Mr. SURENDRA MOHAN MAITRA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether attention of Government has been drawn to the nuisance created by the North Bengal Sugar Mills, Ltd., of Gopalpur, in the district of Rajshahi;

(*ii*) whether the officials of the Health Department of Government of Bengal as well as of the District Board of Rajshahi inspected the locality and made reports to the Government several times since 1934; and

(*iii*) whether it is a fact that the reports pointed out the possible danger to the life and property of the people of the locality?

(*b*) Is the Government considering the desirability of laying on the table the last report of the Health Department?

(*c*) How many reports have been made by the Health Department?

(*d*) Why no steps have been taken in the course of these four years to stop these nuisances?

(*e*) Is the Government proposing to do any thing in the matter in the near future?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) Yes.

(*ii*) Inspections were made by the officials of the District Board and of the Public Health Department on four occasions.

(*iii*) The reports pointed out that the nuisance created by the Mill was injurious to public health in the neighbourhood

(*b*) A copy of the last report of the Public Health Department is laid on the Library table.

(*c*) Reports were received by Government on two occasions.

(*d*) and (*e*) Steps have been taken and have resulted in the installation of a septic tank and provision of adequate drainage inside the factory. The question as to what further action, if any, can be taken is now under the consideration of Government.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state when was the septic tank installed?

The Hon'ble Mr. H. S. SUHRAWARDY: This is not within my cognisance, but it is within the cognisance of the mills that installed the septic tank. All we know is that a septic tank has been installed.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state on what basis he gives the information that steps have been taken that have resulted in the installation of a septic tank and provision for adequate drainage inside the factory?

The Hon'ble Mr. H. S. SUHRAWARDY: On the information given by my departmental officers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that Dr. A. C. Roy Chowdhury, the departmental officer for septic tanks, in his latest report has reported that a septic tank is under construction?

The Hon'ble Mr. H. S. SUHRAWARDY: If the honourable member is referring to the report placed on the Library table, then it is there and no answer is required.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that at the present moment the septic tank is not in use and is not even ready for use?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of this; I have not examined the septic tank.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state if he means by "provision of adequate drainage" that actually drainage has been made?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know whether drainage has actually been made, but some steps have been taken to provide adequate drainage inside the factory.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state whether he is prepared to take immediate action in this matter inasmuch as the discharge of the injurious matter from the mill area has not been stopped even by an ounce and it is creating havoc there for the last 4 years?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member will see from the answer given that I am not at all satisfied with the steps that have been taken. Otherwise I would not have considered the matter further, if I were satisfied.

Appointment of clerks in Debt Settlement Boards in Tippera.

***136. Maulvi MD. HASANUZZAMAN:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the names of the clerks of the Debt Settlement Boards of the Sadar Circle, Tippera; and

(*ii*) their qualifications?

(*b*) Is it a fact that caste Hindus were appointed in almost all Debt Settlement Boards?

(*c*) Is it a fact that the caste Hindu clerks were appointed in the neighbouring three Debt Settlement Boards, namely, Mokara, Dhalua and Roykut?

(*d*) Were not qualified Muslim candidates available for appointment?

(*e*) Is it a fact—

(*i*) that the Chairman and all the members of the Roykut Debt Settlement Board of Chouddagram police-station recommended a Muslim candidate for the clerkship of the said Board; but

(*ii*) that a Hindu was appointed?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) A statement is laid on the Library table.

(*b*) and (*c*) (*i*) No.

(*c*) and (*e*) (*ii*) Yes.

(*d*) Yes, but the candidates selected were more suitable.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister consider the desirability of issuing instructions for filling up these posts from Muslims and members of the Scheduled Castes?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: These appointments are made by the local officers. Regarding the appointments to be made by Government, the matter is under consideration.

Representation of Directors and members of the Calcutta Corporation Co-operative Credit Societies, Limited.

*137. **Mr. SURENDRA NATH BISWAS:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(i) whether it is a fact that a representation signed by some Directors and members of the Calcutta Corporation Co-operative Societies, Limited, was made to the Registrar, Co-operative Societies, Bengal, in January, 1938, alleging certain irregularities in the affairs of the society;

(ii) that a personal representation with a prayer signed by some members of the said society was made to the Hon'ble the Minister himself by an officer of the Corporation and a Director of the said society in February last in that connection; and

(iii) that the Hon'ble Minister assured them that he would take immediate steps to enquire into the alleged irregularities and take necessary action?

(b) If the answers to (a) are in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

(c) Is it a fact—

(i) that Messrs. P. K. Mitra & Co., R.A., Incorporated Accountants, were entrusted with the audit of the society for 1937-38 by the Assistant Registrar, Co-operative Societies; and

(ii) that certain gross irregularities and some illegal actions of the present Board of the said society were reported by the said Messrs. P. K. Mitra & Co., to the Assistant Registrar, Co-operative Societies?

(d) If the answers to (c) are in the affirmative, what action has been taken on the report of the said Auditors?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) Yes.

(b) and (c) (i) Messrs. P. K. Mitra & Co., Incorporated Accountants, have been appointed to investigate the accounts and the affairs of the society.

(c) An *ad interim* report has been received from the Auditors: they have asked the society for an explanation of certain irregularities.

(d) The final report of the Auditors is awaited.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when this *ad interim* report was received and whether any immediate action has been recommended in the *ad interim* report?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The *ad interim* report was received on the 22nd April last, and certain irregularities were pointed out in the report.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that from between April last and now, the auditors have not been helped by the society concerned although the *ad interim* report suggested some help from the department to expedite the audit?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the *ad interim* report says that some gross irregularities and illegal action have been done by the persons appointed by this society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have said that some further action has been taken on the *ad interim* report as it indicated some irregularities.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what further action, or if any action at all, was taken on the *ad interim* report?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The society was asked to explain the irregularities which were stated in the *ad interim* report and a further investigation has been directed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when was this society asked to explain—what is the date?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The date is 16th May, 1938.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether, in view of the *ad interim* reports disclosing that gross irregularities and illegal acts were being done by the said society, Government consider the desirability of taking immediate action against the society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, action has been taken and the matter is still pending.

Mr. SURENDRA NATH BISWAS: Sir, the Hon'ble Minister says that action has been taken by way of asking for an explanation. That explanation was asked for in May last and to-day we are almost at the end of August, still no finality has been reached. Will the Hon'ble Minister be pleased to state when a final decision will be arrived at?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: A statement was received from the society and on that statement a further investigation is being made.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time this "further" investigation is expected to be finished and Government will be in a position to take necessary action?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As the auditors say, we hope to receive the report by the 3rd week of September next.

Mr. SURENDRA NATH BISWAS: When was this "further" investigation started?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I want notice.

The number of members in Debt Settlement Boards in the subdivisions of Mymensingh.

*138. **Mr. MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing for the present time—

(i) the total number of members taken for the Debt Settlement Boards in Kishoreganj, Netrakona and North Sadar subdivision of Mymensingh; and

(ii) the number of them that are—

(1) caste Hindus,

(2) Scheduled Castes, and

(3) Muhammadans?

(b) If the number of members appointed from the Scheduled Castes be found very small, is the Hon'ble Minister considering it desirable to issue instructions to the local authorities concerned to take members from the Scheduled Castes in formation of new Boards and in case of reconstruction of the Debt Settlement Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) Each Board normally consists of five members. The collection of figures in detail as is asked for in this question involves so much time and labour that I regret I cannot direct this to be undertaken.

(b) In order that these Boards may enjoy public confidence and function well in the rural areas, instructions have been issued for the purpose of selecting proper and suitable representatives of important sections of the public including Scheduled Castes as members of these Boards.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that there are cases where, in the attempt to find out suitable members from the Scheduled Castes, the Boards were closed to the great disadvantage of the poor debtors?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No such cases have been brought to my notice as yet.

Hunger-strike by Sj. Surendranath Bag and Bhutnath Manna.

*138A. **Mr. DEBENDRA LALL KHAN:** (a) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(i) whether Sj. Surendra Nath Bag and Bhutnath Manna convicted in Daspur Sub-Inspector Murder Case and at present lodged in the Midnapore Central Jail have gone on hunger-strike?

(ii) If the answer to (i) is in the affirmative, will he be pleased to state the reasons for which they have gone on hunger-strike?

(b) For how many days are they on hunger-strike?

(c) What is the present condition of their health?

(*d*) What steps have the Government taken to induce them to break their strike?

(*e*) Whether it is apprehended that continuance of the hunger-strike any longer is likely to prove fatal?

(*f*) Do the Government consider it desirable that the grievances of the prisoners should be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) Because they have been classified in Division III and not in Division II.

(*b*) Since 31st July, 1938.

(*c*) and (*e*) Their condition is not such as to give rise to immediate anxiety and they are taking some nourishment.

(*d*) The rules governing classification, and their application to their case have been explained in full to them by officials and non-officials, who have endeavoured to persuade them from the course they have adopted

(*f*) Since the prisoners are ordinary cultivators, not accustomed by social status, education, or habit of life to a superior mode of living, their claim to be classified in Division II is baseless and cannot be granted

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister please state whether any of the persons convicted in the Daspur Sub-Inspector Murder Case has been classified under Division II?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, those whose mode of living or social status or education or habits of life entitle them to classification under Division II they have been put in Division II.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister please state whether those persons that have been classified under Division II also belong to that category that he has described as ordinary cultivators?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister please state how persons among those who have been convicted in the Daspur Sub-Inspector Murder Case have been classified under Division II?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

RAI HARENDRA NATH CHAUDHURI: With reference to answer (a) (ii), will the Hon'ble Minister be pleased to say how long they have been classified under Division III?

The Hon'ble Khwaja Sir NAZIMUDDIN: Always.

Mr. NIHARENDU DATTA MAZUMDAR: Is it a fact that on the occasion when these two prisoners went on hunger-strike inside the Dacca Jail, they were prevailed upon to withdraw the hunger-strike on the understanding that their grievances would be considered after the withdrawal of the hunger-strike?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. Government told them definitely that the matter was under consideration. No hopes were given them that there would be a decision in their favour.

Mr. DEBENDRA LALL KHAN: Are Government considering these prisoners as political prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, so far as Government is concerned, officially, there is no such thing as "political prisoners".

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister please state whether there is any rule either in the Jail Code or anywhere else which prohibits a person who is a cultivator by profession from being classified in Division II?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have already stated that there is no question of cultivator. The criterion is social status, education or habits of life, which entitle a person to a superior mode of living, —it is that class of persons who possess the above qualificaions that are classified in Division II.

Maulvi ABUL HASHIM: Since it is enough, in order to justify the classification of a prisoner in a particular division, to say that persons who are not accustomed by social status, education or habits of life, or to a superior mode of living are not entitled to a Division II, will the Hon'ble Minister please say, with reference to answer (f), whether he will be prepared to withdraw the expression "ordinary cultivator" in view of the fact that "cultivator" refers to occupation and not to status?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, I shall be prepared to consider this.

Maulvi ABUL HASHIM: Thank you.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Questions about process-servers tabled in the Assembly up to the 10th July, 1938.

73. Maulvi MUHAMMAD ISHAQUE: Will Mr. Deputy Speaker of the Bengal Legislative Assembly be pleased to state—

(*i*) the number of questions tabled for this session of the Assembly up to the 10th July, 1938;

(*ii*) the number of them that were disallowed;

(*iii*) the number of disallowed questions which referred to the process-servers;

(*iv*) the number of members of the Assembly who tabled those disallowed questions about process-servers; and

(*v*) the number of disallowed questions about process-servers that referred to partly answered questions of the previous sessions of the now defunct Bengal Legislative Council?

Mr. M. ASHRAF ALI: (*i*) 110.

(*ii*) 15.

(*iii*) 5.

(*iv*) 5

(*v*) None.

The stagnation of storm-water in the suburbs of Calcutta.

74. Mr. P. BANERJI: Has the attention of the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department been drawn to—

(*a*) the condition of the area bounded on the north by the Tolly's Nala, east by the Bidyadhari river, south by the Peali river and west by the Eastern Bengal Railway due to stagnation of storm-water owing to which the paddy crop has been a total failure; and

(*b*) the stagnation of storm-water on both the sides of the Adiganga due to which the paddy crop in the said area is damaged every year and the sanitation of the said area affected—

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Yes; the condition this year is that due to untimely and heavy rainfall in the last week of May, 1938, the area referred to was flooded to an average depth of 1 foot 6 inches to 2 feet. By the middle of June the flood level went down keeping average depth 6 inches to 7 inches in the fields. Transplantation of paddy has commenced from the second week of June and is still in progress. Except at a few small local pockets, the fields do no longer suffer from flooding.

(*b*) There are some lowlying areas between the Adiganga and the Bidyadhari on one side and between the same and the Keorapukur *khal* on the other side. These areas drain into the Magrahat System of channels. In years of heavy rainfall these areas suffer some congestion of drainage.

Two schemes for the improvement of the drainage of the areas referred to in (*a*) and (*b*) are under the examination of the Irrigation Branch of the Communications and Works Department.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether the two schemes for the improvement of the drainage of the areas are the same as were explained by the Hon'ble Minister in unstarred question No. 66 of the 19th August?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, it is difficult for me to give a reply without refering to the answer itself.

Mr. SPEAKER: What is your question?

Mr. P. BANERJI: Will the Hon'ble Minister please state whether questions (*a*) and (*b*), which are now under examination by the Engineers of the Communications and Works Department, are the same schemes as were referred to in answer No. 66, dated the 19th August, 1938?

I might explain that of these 2 schemes one refers to the improvement of the Nala and the other to the improvement of the Peali river.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I may explain that the proposed two scheme are: (1) for the drainage of the Panchanagram area with some portion of the Southern Salt Lake to the Tolly's Nala, and the other scheme is the drainage of the area south of the Tolly's Nala by the Peali river by opening a cut, or, in the alternative through the existing Peali-Bidyadhari river.

Rai HARENDRA NATH CHAUDHURI: When these two schemes were framed?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: We are considering these two schemes from last year.

Rai HARENDRA NATH CHAUDHURI: Why were these schemes not put in force before the monsoon?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: First a scheme is formulated, but in order to put it into effect we have got to undertake a survey and other preliminaries.

Rai HARENDRA NATH CHAUDHURI: Did the survey follow the scheme or did the survey precede the scheme?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Certainly, schemes are not taken up before surveys. We have had a rough idea of the scheme and then the scheme has got to be worked out and then detailed surveys are undertaken.

Rai HARENDRA NATH CHAUDHURI: Is it not a fact that these schemes were prepared after a survey was made?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I am afraid, not after detailed survey

Flushing of "Chaka Bil" near Birnagar, district Nadia.

75. **Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*i*) whether the attention of Government has been drawn to the "Chaka Bil" flushing and irrigation scheme near Birnagar in the Nadia district; and

(*ii*) whether any representation has been received in this connection?

(*b*) Is it a fact that the local officials have recommended in favour of the scheme being taken up at an early date in the interest of the health and economic conditions of a large number of people?

(*c*) (*i*) What actions have Government taken on this project so far; and (*ii*) what do they propose to take in the near future?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Yes: a letter on the subject from the Chairman, Birnagar Municipality, was received on the 5th July, 1938.

(b) and (c) The Chief Engineer, Bengal, Irrigation, has been requested to consider the District Engineer's scheme and to suggest a feasible one if that is not acceptable.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that as early as the year 1932 a malaria conference which was held at Birnagar recommended to Government the adoption of a flooding and flushing scheme for the Chaka Bill?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Well, the honourable member knows more than myself about it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is a fact that at a recent conference held on the 8th May, 1938, under the chairmanship of the District Magistrate at Birnagar this scheme was recommended for adoption?

Mr. SPEAKER: That question does not arise.

Yes, you can ask him if he is aware of any scheme recommended by the local officials.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that there was another conference presided over by the District Magistrate which recommended the scheme over again for adoption?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I am not aware of that.

Dr. NALINAKSHA SANYAL: Is it a fact that the District Board of Nadia recommended to the Irrigation Department, of which the Hon'ble Minister is in charge, as per the note of the District Engineer No. 3585, dated 11th March, 1938, for approving the scheme?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: It may be so but I would ask for notice, to give a reply.

Buildings erected near the Eden Hospital.

76. Miss P. B. BELL-HART: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) whether a block of buildings has been erected near the Eden Hospital at Calcutta;

(ii) the reason for its erection;

(iii) the cost of the same;

(*iv*) when was it completed;

(*v*) when was it brought into use and whether fully or partially; and

(*vi*) to what extent and for what purpose is it in use to-day?

(*b*) Are the Government considering the desirability of making full use of this building for the purposes for which it was erected?

(*c*) If not, will the Hon'ble Minister state the reasons why?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) Yes. The hon'ble member presumably refers to the Eden Extension block.

(*ii*) Enlargement of the Eden Hospital was considered necessary in order to provide greater facilities for clinical teaching of students of the Medical College as well as pupil nurses and *dhais* and also to meet the growing demand for accommodation of patients in the Eden Hospital.

(*iii*) The total cost of the land and buildings was Rs. 11,82,908.

(*iv*) In 1931.

(*v*) It has been partially brought into use since November, 1936.

(*vi*) A ward of 12 beds has been opened in it for Maternity cases, both Indian and European, on a paying basis.

(*b*) Yes.

(*c*) Does not arise.

Scholarships and free-studentships in the Burdwan, Chittagong, Mymensingh and Jalpaiguri—Jackson Medical Schools.

77. Babu UPENDRA NATH BARMAN: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state the number of scholarships and free-studentships awarded annually by each of the institutions, viz., Burdwan, Chittagong, Mymensingh and Jalpaiguri—Jackson Medical Schools?

(*b*) Is it a fact that privileges by way of scholarships and free-studentships granted to other similar institutions are not awarded to the Jackson Medical School?

(*c*) Are the Government aware that the proportion of students from the Muhammadan and Scheduled Caste communities is greater in the Jackson Medical School than in other medical institutions in the mufassal?

(*d*) Do the Government intend to extend similar advantages of scholarships and free-studentships to the Jackson Medical School?

(*e*) If not, why?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) The following scholarships and free-studentships are awarded annually in each of the institutions:—

(1) Four scholarships of Rs. 8 per month in each of the classes.

(2) One scholarship of Rs. 15 per month to a poor student, preference being given to a member of the Scheduled Castes.

(3) Four free-studentships in each class.

A provision has also been made in the current year's budget for the institution of a number of additional scholarships for poor and meritorious students of the Moslem and Scheduled Caste communities with effect from the current year.

(b) and (c) No.

(d) and (e) Do not arise.

Maulvi TAMIZUDDIN KHAN: With reference to the second paragraph of answer (d), will the Hon'ble Minister be pleased to state the number of scholarships created for the current year?

The Hon'ble Mr. H. S. SUHRAWARDY: That depends very much upon the final decision of Government as to the amount of the scholarships, it may be Rs. 20, it may be Rs. 40. I hope we shall be able to balance the needs of the community for a fair amount on the one side, and a fair number on the other.

Maulvi TAMIZUDDIN KHAN: Are the scholarships intended to be given effect to from the current year? If so, when does the Hon'ble Minister expect to come to a decision on this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: I hope, it will be very very soon.

Short-notice question regarding Ministers' salaries.

Mr. SANTOSH KUMAR BASU: May I just draw, Sir, your attention to the short-notice question which I want to put to the Hon'ble the Finance Minister as regards the intended legislation relating to the Ministers' salaries?

Mr. SPEAKER: Mr. Basu, the reply to your short-notice question was received only half-an-hour ago and will be taken up to-morrow.

Adjournment motions.

Mr. SASANKA SEKHAR SANYAL: Sir, I have given notice of the following adjournment motion—

(Several members from the Coalition Group stood up and drew the attention of Mr. Speaker to the fact that they wanted to move some privilege motions.)

Mr. SPEAKER: I think the questions of privilege might be taken up after the adjournment motions.

Mr. SASANKA SEKHAR SANYAL: My motion is, "that this Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the situation arising out of the continuous and daily increasing march into Berhampore and other towns of the district of Murshidabad of a number of villagers in the said district who with their cattle and children have been loitering in the streets and open places of the said towns for food and shelter, having been compelled to leave their homes during the last week, particularly yesterday and the day before, due to devastation caused by flood."

Sir, I have given a written statement along with the motion, and I would ask for your leave to move it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is impossible to make a suitable reply to-day to this question. The notice was received only to-day, and information will have to be obtained from the local officers before I am in a position to give a full reply. As the honourable member is aware, to-morrow we are having a conference with all the M.L.A.'s and M.L.C.'s the Collectors of the districts, the Subdivisional Officers and the Commissioner of the Presidency Division on the question of flood relief, so, I hope the honourable member will wait for 24 hours, and by that time I shall be in a better position to meet the charges, and he will also be in a better position to get a full reply, if he will still press his adjournment motion.

Mr. SPEAKER: All I would say is that it is a well-known principle that at the time of discussing an adjournment motion the authentic official information should be available and an opportunity should also be given to obtain such information. In that view, I propose to take up the matter to-morrow. The statement which the Hon'ble Minister proposes to make to-morrow will help me substantially to come to a decision on this point.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, as regards the adjournment motion of which notice was given by Dr. Suresh Chandra Banerjee, he is, unfortunately, unavoidably, absent just now, but it is his wish, Sir, to request you not to allow the adjournment motion to lapse. May, I therefore, have your permission to move it on behalf of Dr. Suresh Chandra Banerjee?

Mr. SPEAKER: So far as that adjournment motion is concerned, there is no question of its lapsing. It is for the mover to move it or not. If he does not move it to-day, he may do so later and I shall then consider it on merits; but I cannot allow it to be moved by a proxy. I am sorry, I cannot allow you to move it.

Mr. NIHARENDU DUTTA MAZUMDAR: May I take it, Sir, that it is your ruling that this matter will stand over?

Mr. SPEAKER: Yes, it will automatically stand over.

Privilege Motions

Mr. M. A. H. ISPAHANI: Sir, I gave notice of a motion this morning. May I have your permission to move it?

Mr. SPEAKER: Yes.

Mr. M. A. H. ISPAHANI: Sir, I beg to move that the statement issued by Mr. Sarat Chandra Bose, the Leader of the Congress Assembly Party, and published in the Press, in connection with the allegation made by Mr. Abdur Rahman Siddiqi on the 8th August, 1938, and the incidents relating thereto, be referred to the Committee of Privileges.

Sir, you will recall that soon after Mr. Siddiqi made certain accusations on the floor of this House on the 8th of this month, leading members of the Opposition called out, almost in one voice, for the name of the person whom Mr. Siddiqi charged with a serious offence.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I want to know whether the motion is going to be discussed, or the admissibility or otherwise of the motion is to be decided first. If that is done then alone we can proceed with the debate.

Mr. SPEAKER: If it is a question of admissibility, I am quite prepared to deal with it.

Dr. NALINAKSHA SANYAL: The question of privilege has a very limited scope so far as this Legislature is concerned. The limitations are definitely stated in the Government of India Act. Section 71 definitely limits them to such questions as have been specifically mentioned therein or those that were in operation before the new legislation regarding privileges was adopted by this House. So far as we have been able to find out, there were no such privileges as have been referred to by my honourable friend just now and as are contained in the motion read out before us. I would therefore have your ruling on the first point as to whether you would extend the scope of the Government of India Act in allowing new issues and new items of privileges being discussed. The second point is that, even assuming that there is a certain degree of privilege permissible on grounds of inherent rights, there are, I submit, definite cases laid down, as to when privilege questions may be taken up relating to matters of inherent rights. The question of inherent right is only to be found defined by Jefferson in his Manual relating to the Rules of the House of Representatives of the United States of America. So far as Great Britain is concerned, these are not ordinarily admissible, and because the House of Representatives have got a rigid and written constitution as we have it in India, in some respects our procedure is more comparable to the American procedure than to the British. There, Sir, Jefferson defines that privilege motions should not be taken up in a manner by which the ordinary rights of a citizen and the ordinary rights of members may be jeopardized. This relates to a very important question of principle. When we are discussing any matter under heat of the debate or with passion, privileges should not be discussed at random, particularly when there is a provision of legislation in this connection. In legislating two Houses have an opportunity of coolly discussing every material in those connections, and the public outside have also an opportunity of giving their opinion thereon. Whereas, if during passions and heats, questions of privileges are taken up, questions which are not specifically mentioned in the Act or in the rules, it may lead to a great amount of injustice, and sometimes encroachment upon the rights and privileges of ordinary members. That is point number two.

The third point, Sir, is that May in his Parliamentary Practice makes it clear that "the proceedings of the House may be interrupted at any moment save during the progress of a division by a motion based on a matter of privilege when a matter has recently arisen, and which directly concerns the privileges of the House." I submit, Sir, that the interpretation of the term 'recently' has been given very clearly in connection with different decided cases. It has been held that interruption of the business of the House is such an important matter that unless it is immediately done following some discussion of the question which infringes the privileges, it is not permitted by

the Speaker of the House of Commons. It has been held, Sir, also in the United States' House of Representatives, that, if immediately after such an incident, the question is not taken up, such privilege motions are invariably disallowed. On these three points, Sir, I want your ruling.

Mr. FAZLUR RAHMAN: Sir, on the question of the inherent right of the House, if my friend refers to May's Parliamentary Practice, he will find that if matters touching the proceedings of the House are published by any member without the permission of this House it is a serious breach of privilege. It is the tradition of the House of Commons that they have always considered such publication as a serious breach of privilege. Therefore, Sir, I hope you will hold that this statement of the Leader of the Opposition to the Press, without the permission of this House, is a breach of privilege.

With regard to the question of recent occurrence, we hold, Sir whether it is a matter of recent occurrence or not, is entirely a matter for you to decide. With regard to the question of his reference to section 71, it does not take away the inherent power of this House, and he has not stated anything with regard to that.

Mr. M. A. H. ISPAHANI: May I, Sir, add another point? This motion does not introduce any new and fresh issues. If Dr. Sanyal had given me an opportunity to finish my very brief statement, he would have realised that I did not intend to make any such introduction

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there is just one thing that I would like to point out with regard to what has been raised by Dr. Sanyal, irrespective of the consideration of this question itself In this House already more than half a dozen questions have been referred to the Committee of Privileges which do not come under section 71 of the Government of India Act. So, either this House should accept as a precedent to follow the Act strictly or the question of privileges should be referred to the Committee of Privileges for consideration as to whether they are privilege motions at all or not.

Mr. SPEAKER: For the time being the only issue with which I am concerned, and for which a decision is required from me, is the question of admissibility of this motion as a privilege motion and nothing further. I might take up the last point first, and I might frankly state that so far as the delay is concerned, the responsibility is entirely my own, and that is because Mr. Ispahani came to give notice of this motion immediately after, and I was considering as to whether he should table the motion himself or whether this matter is one which should be referred to the House or not, whether if at all

I myself should bring this matter for reference to the Privilege Committee. But I could not myself come to a decision on this matter, and I therefore informed Mr. Ispahani that it was not desirable for the Speaker to be dragged into a controversy of this nature in any way, and I communicated the decision to him only the day before yesterday. So far as the delay is concerned, it is, therefore, entirely due to me. I do frankly state that I thought that time would probably heal up the wounds but my expectations have been belied.

So far as the question of admissibility is concerned, as Sir Nazimuddin has pointed out, there are many matters which have been referred to the Committee of Privileges. For me to say that it is not a privilege motion will be taking a grave responsibility on my shoulders, and I do not think as the Speaker of this House I can say one way or the other whether it is a privilege motion or whether it is not a privilege motion. I feel that if a *prima facie* case of privilege is made out by any member, the question as to whether it is in the nature of a privilege or not should go to the Committee of Privileges for consideration. In case they do not consider that it is a question of privilege, then only they will entertain the question of the merits, and not otherwise. That being so, I hold that so far as the admissibility of this motion is concerned, I cannot shut out the motion. It is of course a matter for the House to decide. The House can reject the motion immediately and decide that it is not a question of privilege, the House can, by referring it to the Committee of Privileges, ask the Committee of Privileges to consider as to whether it is a privilege motion or not, and the House can also ask the Committee of Privileges to enquire into the facts of the case. For the time being I would not like to stand in the way of an important matter of any privilege in this House. The Committee of Privileges will report whether it is a privilege or not, and I think it will be a very bad precedent if the Speaker assumes upon himself the responsibility of deciding at such an early stage of parliamentary life as to what is and what is not a privilege. I hope I will not be misunderstood. I tried to bring about the best of feelings, but unfortunately as this resolution has after all been moved, I do not think I can shut it out.

Dr. NALINAKSHA SANYAL: May I then take it, Sir, that you are, in permitting Mr. Ispahani to move this motion, keeping the opinion of this House practically open both with regard to its admissibility as well as the merits of the question.

Mr. SPEAKER: The resolution as it has been drafted, does not say anything more than that the statement be referred to the Committee of Privileges, and I had to be very careful to see as to the form in which this motion can be admitted or not. I might say that I have looked up the Parliamentary procedure, and I have seen in the Parliamentary proceedings that whenever any question of dispute is brought

up, it does not specify ordinarily the opinion of the House, but is referred to the Committee of Privileges, to consider as to whether it is a breach of privilege or not. I take it that if this resolution is rejected it is alright, but if it is carried, then it would be for the Committee of Privileges not only to enter into the merits of the case, but also to find out as to whether it is a question of privilege or not.

Mr. MANMATHA NATH ROY: Sir, are we to take it that the delay had been condoned by what happened not to the knowledge of the House between yourself and the mover of the resolution?

Mr. SPEAKER: In any case that is my discretion, and I have allowed it.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, having regard to the decision you have just given, namely, that you are keeping open the question as to what is and what is not a privilege, I take the earliest opportunity to state that subject to that, I am prepared on behalf of myself and on behalf of the party I represent in this House to accept the motion. I welcome the opportunity of being able to demonstrate before the Committee of Privileges and before the House how flagrantly the rules of debate have been broken, and in this connection I may state that rules of debate are no more than the ordinary courtesies of life, and how freedom of speech——

Mr. SPEAKER: Order, order. Mr. Bose, I shall give you an opportunity to speak about the merits of the motion after Mr. Ispahani.

Mr. SARAT CHANDRA BOSE: Sir, I do not propose to speak about the merits of the motion because I say that I accept the motion.

Mr. M. A. H. ISPAHANI: Sir, as you had ruled that no name should be mentioned and no further reference should be made to the subject at all, Mr. Siddiqi was debarred by your ruling as well as by Parliamentary practice usual to such incidents, from gratifying the curiosity of some of the leaders of the Opposition.

In spite of the conventions and your decision, Sir, the Leader of the Congress Party issued a long statement to the Press in which he said—may I read a few lines which are relevant—he said "I repeated the challenge two or three times when the member of the Ministerialist Party who had made the charge did not venture to make any reply to the direct question I put, nor did he have the courtesy to withdraw the charge. The Leader of the Krishak Proja Party also challenged the same member who had made the charge to say whether he was making any accusation against any member of the Krishak Proja Party, but the latter avoided giving any answer. The fact that the member of the Ministerialist Party who had made the charge did not venture to take

up my challenge satisfied me that the charge was a 'frame-up' and manufactured.'"

This, Sir, as the House will notice, is absolutely unfair, improper and contrary to facts and against the clear and definite rulings by the Chair. It thus constitutes a breach of the privileges of the House on the ground that Mr. Sarat Chandra Bose has created an incorrect impression on the minds of the people and has made an insinuation against the decision of the Chair. Sir, a little further in the same statement he has referred to conversations that he had with you in your Chamber. This, I submit, is not only incorrect and improper but it is a positive violation of the sanctity of the Speaker's chamber. *Prima facie*, this matter should also go to the Committee of Privileges, particularly as it represents one sided view of the case. I do not propose to go any further into the matter and give any further details or make a lengthy speech at this stage.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, I rise to accept the motion which has been moved before this House by Mr. M. A. H. Ispahani and, in doing so, I think it is only right that I should state the reasons which have led me to take that decision. As I was going to say, I welcome the opportunity which Mr. Ispahani has given me of demonstrating before the Committee of Privileges, and before this House at a later stage, how flagrantly—I repeat myself—how flagrantly the rules of debate have been broken—and, I think, I may add that the rules are no more than ordinary courtesies of life—and how freedom of speech in this Chamber degenerated on that occasion into unbridled and unmitigated license. I do not propose, Sir, to deal with the statement of facts which was made by Mr. Ispahani. It will suffice for the moment to say that I do not accept most of his statements of fact. I do not think that during the sixteen months I have been here I have acted on a single occasion contrary to the decision of the Chair. Where I have disagreed with the decision of the Chair, I have only humbly said, "I disagree with you."

As regards the sanctity of the Speaker's Chair, I may say I did not carry on any confidential conversation either with the Speaker or with anyone else. I think, the House will accept it from me that no one is more jealous, not even Mr. Ispahani, of the sanctity of the Chair than myself. With these words, Sir, I accept the motion.

Mr. SPEAKER: The question before the House is that the motion of Mr. M. A. H. Ispahani that the statement issued by Mr. Sarat Chandra Bose, Leader of the Congress Assembly Party, and published in the press in connection with the allegation made by Mr. Abdur Rahman Siddiqi on the 8th August, 1938, and the incidents relating thereto be referred to the Committee of Privileges.

The motion was then put and agreed to.

Mr. FAZLUR RAHMAN: Mr. Speaker, Sir, on Friday last in course of the proceedings of this Assembly when you appealed to the Leader of the Opposition for assistance, Mr. Tulsi Chandra Goswami, Deputy Leader of the Congress Assembly Party, remarked in the following manner "but I must say this also as you have asked for our co-operation and we belong to the front benches and as I happen to occupy the position of the Deputy Leader of the Congress Assembly Party that we have always given you every assistance but, now, Sir, it is time that you assist yourself". Then, Sir, you took exception to that remark and you wanted Mr. Goswami to explain to you what he meant by it, and then he repeated while giving explanation "you must assist yourself". When the matter was brought up again by Mr. Shahabuddin before this House, Mr. Goswami rose to reply and said "as regards the other point raised by Mr. Shahabuddin, namely, in reference to you, Sir, I hope you will bear with me when I say that it was under extreme provocation."

I think, Sir, that by his words Mr Goswami wanted to convey to the House that you had failed in the discharge of your duties towards this House. Such remarks were not expected of a gentleman of the position of Deputy Leader of the Congress Assembly Party. Sir, a gentleman having a sense of decency and having a sense of discipline would not have made these remarks.

Dr. NALINAKSHA SANYAL: On a point of order, Sir I would like to submit my points once more with regard to this motion. We would like to have the bare motion first If you want to follow the Parliamentary practice as defined in May's book then without any discussion or debate such motion should be referred to the Committee of Privileges.

Mr. SPEAKER: I cannot but suggest without taking sides in this matter that the best way for Mr Rahman to refer a motion of this character, if he wants to refer it at all, is to expunge the portion "being a reflection on the Chair". In Parliamentary usage that means giving a decision by this House beforehand. What should be referred to the Committee of Privileges is to consider that matter and I would advise Mr. Rahman to draft the resolution in this way, namely, that the remarks of Mr. T. C. Goswami, Deputy Leader of the Congress Assembly Party, on such and such a date be referred to the Committee of Privileges, as Mr. Ispahani has done.

Mr. SARAT CHANDRA BOSE: When I got notice of this motion, I was waiting for an opportunity to make a suggestion that these words should be deleted Sir, this House, in my opinion, should not be asked to decide the matter here and now.

Mr. FAZLUR RAHMAN: Sir, I submit to your ruling and I have drafted a motion in the way indicated by you, but in referring it to the Committee of Privileges I would only like to observe that such remarks were not worthy of a gentleman of the position of the Deputy Leader of the Congress Assembly Party.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. After the suggestion from the Chair, if my friend wants to indulge in personal invectives that would be going against the spirit of discussion of a privilege resolution. As soon as my friend moves for expunging those words, about the reflection on the Chair, from this side of this House the resolution will be accepted and it will go to the Committee of Privileges; but if he goes on with personal invectives and if the Chair allows it

Mr. SPEAKER: Mr Gupta, I would ask you to withdraw the expression "if the Chair allows it"

Mr. JOGESH CHANDRA GUPTA: I was going to say if the Chair allows it, I have nothing to say. In the expression "if the Chair allows it", there is no insinuation I hope and trust that the Chair will not permit him to speak in that manner.

Mr. SPEAKER: I have great difficulty regarding this. For the last few days, I have been going through the Parliamentary proceedings in connection with this matter and that is why I have asked Mr. Fazlur Rahman to move if he so wishes, after expunging the portion about the opinion of the House If the House comes to a decision as to whether it is a reflection on the Chair or not, it is no use referring it to the Committee of Privileges as a privilege motion. But I cannot stop Mr Fazlur Rahman from delivering a speech so long as he follows the rules of the debate It is, however, the usual Parliamentary practice, in matters like this, to carry on the discussion with as minimum remarks as possible, so as not to prejudge the issues.

Dr. NALINAKSHA SANYAL: On a point of order, Sir May I submit that although I shall, as my Leader has indicated, most gladly accept the motion if it is permissible under the rules, I only want to draw your attention to one point If you rely on May's Parliamentary Practice, 13th Edition, page 81, where breaches of privilege are defined, you will find that the definition does not cover a case of this kind. There it is stated:

"Wilful disobedience to orders, within its jurisdiction, is a contempt of any court, and disobedience to the orders and rules of Parliament in the exercise of its constitutional functions, is treated as breach of privilege".

I would like to submit that all and sundry matters in which members either on this side or on that side may have some amount of feeling, either about their colleagues or about the Leaders of the House —if all such matters are dragged as matters of privilege, we shall in no time run into a very dangerous position. I submit that either the privileges as defined in the Government of India Act itself be our criterion or the privilege as defined in May's Parliamentary Practice may be followed. If all matters are referred to the Committee of Privileges, the Committee cannot possibly do justice to the questions. They cannot define what privileges are, and things have got to be decided by facts as to whether a particular matter is a matter of privilege or not, and the whole position will be very much complicated. Therefore submit that before the motion is taken up or admitted, you will kindly apply your own mind and see if any breach of the rules of the House or any breach of the privileges of the House as defined in May's Parliamentary Practice has been really made by the use of that expression.

I further submit that on this occasion all possible reflection, if any, was on the Chair and you got Mr. Goswami to give an explanation on that and you were satisfied with that explanation then and there and allowed the ordinary business of the House to go on. You, as Speaker of the House, have ample powers and you were entitled to take any action then and there, but, as you had not allowed that question to be pursued any more, we presumed, and rightly presumed, that you were satisfied with Mr Goswami's explanation. Nothing further on this point can be done by any member feeling aggrieved.

I submit that it would be a reflection on your own judgment if any motion of this character is admitted. Your judgment was clear: you accepted Mr Goswami's explanation and you were pleased to allow the debate to go on Under the circumstances, I submit that it will take away from you the authority of the Chair if the House proceed with the discussion of a motion of this character, or even if it is allowed to be referred to the Committee of Privileges.

Mr. SPEAKER: I think I should give a decision at this stage so that there may not be any debate on this point.

Dr. Sanyal will remember that immediately after the incident which concerned the Chair was closed, the matter was brought to my notice by Mr. Shahabuddin. I made it clear that the matter was closed so far as the Chair was concerned. But I cannot shut out any member from tabling a motion if he so chooses and that is why this motion has been allowed to be moved. In any case, whether there was any breach of privilege or not is a matter in which I should not give any judgment. This is a matter which should better be considered by the Committee of Privileges. If a member feels that the conduct of

another member amounts to a breach of privilege of the House, it should go to the Committee of Privileges. For the time being, I am concerned only with the admissibility of the motion and that is why I have advised Mr. Rahman to move by expunging certain words.

Dr. NALINAKSHA SANYAL: I submit most respectfully that the admissibility of a motion in which you are one of the persons referred to should not be decided, according to Jefferson, unless you retire from the Chair and the Deputy Speaker or any other member on the panel of Chairman takes the Chair. This is a very important point.

Mr. SPEAKER: If necessary, I shall consider that.

Mr. FAZLUR RAHMAN: I beg to move the following motion:—

> That the remarks made by Mr. Tulsi Chandra Goswami, Deputy Leader of the Congress Assembly Party, in the course of the proceedings on Friday last in reference to the Chair be referred to the Committee of Privileges.

Mr. TULSI CHANDRA GOSWAMI: Sir, with the greatest pleasure, I accept the motion which has been moved. This motion has been moved under somewhat extraordinary rules, that is to say, the rules that are unknown to this House yet. But I congratulate you, Sir, and the House on the practice which has been set up of submitting matters of privilege to a Committee which has been appointed by you.

As regards certain reflections which have been made by the mover, I can only say this that the University which taught him the language, which he uttered does not stand condemned, but should be ashamed of a person who claims to be an educated person, not to know the meaning of words. I am very sorry to say that the expression used by me was not understood by one, who, for a time, occupied the position of a Vice-Chancellor—a nominated Vice-Chancellor—I mean Mr. Shahabuddin. I am very sorry to intimate to this House my great reluctance with which I have borne with certain remarks of this House. I firmly support this resolution and I hope the word "privilege" will be defined by the Committee of Privileges, because I find wide ideas about privilege of this House which do not really correspond to anything that is real and I hope that as a result of our discussion in the Committee of Privileges, we shall know what is privilege so far as we are concerned. Privilege has got to be defined here. It is an indefinite term even in the British Parliament, but long usage, decisions of great and eminent Speakers, decisions of Judges have crystalised the law of privilege there. We have yet to frame our law of privilege. I am saying this under the risk of digression, Mr. Speaker, because I feel

we should not wildly talk about privilege. I have often heard in this House things like "on a point of privilege", and I have shuddered to think that such things were allowed in this House. However, Sir, I shall not repeat myself again, but with humble submission to your authority, Mr. Speaker, and to the authority of this House, I shall take my trial before the Committee of Privileges.

Mr. SPEAKER: The question before the House is that the remarks made by Mr. Tulsi Chandra Goswami, the Deputy Leader of the Congress Assembly Party, in course of the proceedings of the House on Friday last in relation to the Chair, be referred to the Committee of Privileges.

The question was then put and agreed to.

Resolution to be taken out of its turn.

Mr. SPEAKER: Order, order. At this stage I may just refer to one matter, viz., that Dr. Sanaullah has given notice of a resolution for its being taken out of its turn, and asking for my consent thereto, signed, I think, by 102 persons. Unfortunately, I could not accept that notice and as it concerns a large number of members I should inform that it was signed by one gentleman who was away in England and only arrived yesterday and by another member who is dead some time back. In view of that I could not accept the notice as a proper and valid notice. If Dr. Sanaullah will give me fresh notice I will certainly consider the matter.

Let us now proceed with the Bengal Maternity Bill.

Mr. Khwaja SAHABUDDIN: Sir, may I just want to say that this matter which you have just referred to, may have very serious consequences?

Mr. SPEAKER: Well, that is not a matter with which we are concerned at present. We will now resume consideration of the Maternity Benefit Bill.

Message from the Bengal Legislative Council.

The Secretary to the Assembly read the following Message:

The following Message has been received from the Secretary of the Bengal Legislative Council, viz.:—

"I am directed to send herewith the Calcutta Official Receiver's Bill, 1938, and to convey the Message that the Council, at its meeting held on the 16th August, 1938, has agreed to the Bill without any amendment."

GOVERNMENT BILL.

The Bengal Maternity Benefit Bill, 1938.

Clause 8.

Mr. SIBNATH BANERJEE: I beg to move that in clause 8, lines 4 and 5, for the words "forfeit her right to the payment of maternity benefit under this Act", the words "be liable to a fine not exceeding rupees ten" be substituted.

The section provides for forfeiture of maternity benefit to which a woman worker is ordinarily entitled to. The provisions are that she works during the period of her leave for maternity, all the benefit would be forfeited. Now, regarding this there is another clause also, that is, clause 10. Therefore, this section will mean double punishment to the women, so I am suggesting that the whole amount should not be forfeited, but a sum up to the maximum of Rs. 10 only may be forfeited. I would like to remind the House that a woman worker, after taking leave during maternity goes to work in another factory within that period of leave, it is only due to her extreme poverty. Therefore we should take pity upon her condition and not punish her doubly by section 8 and again by section 10.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am afraid the honourable member has not understood his own amendment. Sections 8 and 10 are exclusive of each other and they do not inflict two penalties for the same act. "If a woman does any work for which she receives payment in cash or in kind after she has been permitted by her employer to absent herself under the provisions of section 5, she shall forfeit her right to the payment of maternity benefit under this Act" is different from what is contemplated in section 10, namely, "if any woman works in any factory within four weeks after the day of her delivery". Now, another remark of Mr. Banerjee has already given away his case, namely, that the woman who works in another factory while she is already receiving maternity benefit from her employer works, because she is poor. Now, the payment of benefit to the woman is that the woman should not work for four weeks preceding her delivery and for four weeks after the day of her delivery, and that every step should be taken by Government to prevent her from doing so. It therefore hardly lies in the mouth of Mr. Banerjee to insist on one side that she should be paid a maternity benefit, because she is incapable of working during this period and, on the other side, to say that she ought to work for she is poor, and that, if she does work, it ought to be over looked. Nevertheless, Sir, as I am acting as the good Samaritan and pouring balm over the wounded

soul of Mr. Banerjee from time to time, I am prepared to amend sections 8 and 10 together, if he has no objection, and the two sections together will run thus:—"If a woman does any work for which she receives payment in cash or in kind, after she has been permitted by her employer to absent herself under the provisions of section 5, or if any woman works in any factory within four weeks after the day of her delivery, she shall be liable, on conviction, to a fine not exceeding ten rupees".

Mr. SPEAKER: Mr. Suhrawardy, you want to delete that portion in section 8 which refers to forfeiture of the benefit?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, for I find that, in spite of the arguments of Mr. Banerjee in the conclusion he is correct.

Mr. NIHARENDU DUTTA MAZUMDAR: May I put in a few words, Sir, on this clause?

Mr. SPEAKER: I want to know whether Mr. Banerjee accepts the amendment.

Mr. SIBNATH BANERJEE: Sir, the position does not seem to be clear. Under section 8 there is the forfeiture clause that under certain circumstances this maternity benefit may be forfeited to a woman. Now, Mr. Suhrawardy proposes that this forfeiture clause should be deleted, and a part of it should be tacked on to clause 10, so that if a woman does any work for which she receives payment, after she has been permitted to absent herself, and works in any factory within four weeks after the day of her delivery, she shall be liable on conviction to a fine not exceeding Rs. 10, that is to say, instead of forfeiting the whole amount that she has earned in another factory during this period, she shall be liable to a fine not exceeding Rs. 10. That is what I have proposed.

The Hon'ble Mr. H. S. SUHRAWARDY: I have only amalgamated the two sections.

Mr. SHIBNATH BANERJEE: What do we gain by this amalgamation?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, that will give us a better draft, and there will be one penal clause instead of two. Besides, in his amendment the honourable member has not used the words "on conviction" which is very necessary.

Mr. NIHARENDU DUTTA MAZUMDAR: But, Sir, what will be the difference in effect?

The Hon'ble Mr. H. S. SUHRAWARDY: There will be no difference except that she will have to be convicted and her right to the payment of maternity benefit under section 5 will not be forfeited at all.

Mr. SIBNATH BANERJEE: May I refer to the Bombay as well as the Central Province Act which contain two separate clauses for these two matters? We may do the same here, there is no harm in it.

The Hon'ble Mr. H. S. SUHRAWARDY: The only difference is in the language, namely, that she will be liable to a fine only on conviction.

Mr. SPEAKER: Yes, she will be liable on conviction only to a fine not exceeding Rs. 10

Mr. NIHARENDU DUTTA MAZUMDAR: I beg to repeat, Sir, that it is not clear even now as to the difference in effect if both the clauses are retained as they are and not amalgamated as suggested by the Hon'ble Minister.

Mr. SPEAKER: Perhaps Mr Banerjee will agree to the amalgamation of the two sections with the retention of the words "on conviction"?

Mr. SIBNATH BANERJEE: I agree, Sir.

Mr. SPEAKER: All right. The question before the House is that in clause 8, lines 4 and 5, for the words "forfeit her right to the payment of maternity benefit under this Act" the words "be liable on conviction to a fine not exceeding rupees ten" be substituted.

The motion was then put and agreed to

Mr. SPEAKER: The question is that clause 8 as amended stand part of the Bill

The motion was then put and agreed to.

Clause 9.

Mr. SPEAKER: The question before the House is that clause 9 stand part of the Bill

The motion was then put and agreed to.

Clause 10.

Dr. SURESH CHANDRA BANERJEE: I beg to move that in clause 10, line 1, for the word "four" the word "six" be substituted.

Dr. SURESH CHANDRA BANERJEE: এই বিলের clause 4এ আমার যেই amendment move করবার কথা ছিলো, দুর্ভাগ্য বশতঃ যথা সময়ে এখানে উপস্থিত থাকতে না পারায় সেই amendment আমার পক্ষে move করা সম্ভব হয়নি। তার ফলে এই clauseএ আমার নামে যে amendment আছে এখন তা move করার কোন মানে থাকে না। ঐ amendmentএ বলা হইয়াছিল যে প্রসবের পর ৪ সপ্তাহের পরিবর্ত্তে ৬ সপ্তাহ পর্য্যন্ত maternity benefit দেওয়া হোক। আমি ডাক্তার হিসাবে বিশেষ কোরে এই ধরণের সংশোধনের পক্ষপাতী। এই পক্ষপাতিত্ব শুধু আমার একার নয়। অবশ্য বড় বড় ডাক্তারদেরও এই মত। আমার হাতের এই বইখানার নাম Pre-Natal and Post-Natal and Post-Natal Management. ইহার গ্রন্থকর্ত্তা J. St. George Wilson, M.C., M.B., Ch. M., F. R. C. S., etc., Liverpoolএর একজন প্রসিদ্ধ অধ্যাপক। Post-Natal period কতদিন থাকে, সে সম্বন্ধে তিনি গ্রন্থের ১৭৯ পৃষ্ঠায় বলেছেন যে: The Post-natal period includes the lying-in period and the puer-perium in its widest sense. The lying-in period averages 8 to 10 days, though in the primigravida we believe it should be at least 14 days.

তার পর uterus সম্বন্ধে বলেছেন: The uterus is said to return to its original size, except in the primigravida, in about 2 months, and that by some is taken to be the limit of the puer-perium.

গর্ভাবস্থায় জরায়ু বড় ও শিথিল হয়। প্রসবের পর জরায়ুর আবার স্বাভাবিক ছোট ও শক্ত অবস্থা পাইতে প্রায় দুই মাস লাগে।

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. I did not interfere earlier because I thought that the honourable member having commenced his speech with the remark that there is no meaning in his present amendment, would have withdrawn it at the earliest opportunity. But now I find that he has instead begun to give us a lecture on gynaecology or obstetrics. Now, Sir, his amendment, if accepted will mean this—that although she will get benefit for four weeks after confinement, she shall not work for six weeks. I submit, Sir, that this will penalise a woman worker.

Dr. SURESH CHANDRA BANERJEE: আমি এই জানতাম সেই জন্য একথা পূর্ব্বেই বলিয়াছি।

Mr. SPEAKER: The question before the House is that clause 10 stand part of the Bill.

The motion was then put and agreed to.

Clause 11.

Mr. SPEAKER: The question before the House is that clause 11 stand part of the Bill.

The motion was then put and agreed to.

Clause 11A.

Mr. SIBNATH BANERJEE: I beg to move that in clause 11A, line 6, for the words "thirty days" the words "sixty days" be substituted.

I also beg to move that in clause 11A, lines 8 and 9, for the words "the decision of the Labour Commissioner on such appeal shall be final" the following be substituted, namely:

> "The aggrieved party may appeal within sixty days to the Commissioner of Workmen's Compensation, Bengal, whose decision shall be final."

The first amendment is to give us a little more time, that is, instead of thirty days, sixty days should be given so that an appeal may be filed.

The second amendment is to get another chance of appeal, e.g., if the Labour Commissioner decides against her, she would have the chance of appealing to the Commissioner for Workmen's Compensation. Now, the Labour Commissioner is after all an Executive officer of the Government whereas the Commissioner for Workmen's Compensation is a judicial officer. We want to accept the decision of a judicial officer who is particularly an expert in this matter. Therefore, instead of relying on the Labour Commissioner, if it is thought necessary, the woman worker may appeal to the Commissioner for Workmen's Compensation. I press both these amendments.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, may I with your permission say a few words in support of the motions of my honourable friend Mr. Sibnath Banerjee? In view of the fact that our workers are not used to amenities arising out of labour legislation and that for the first time a piece of legislation of this nature is going to be enacted, it is quite likely that it will take some time before the workers will be thoroughly conversant with the provisions and procedure for the

purposes of taking advantage of the provisions of this Act. You are aware, Sir, that often, due to the backwardness and other disadvantages of the workers, due to want of organisation of workers,—which, needless to mention as it has been mentioned repeatedly enough, are discouraged,—it is very difficult for them to avail themselves of the opportunities which law allows them; and therefore there is very great danger of the women workers losing the benefit of these enactments if they are not allowed a longer time. A woman after her confinement would naturally not be in a very good state of health and it will naturally take some time for her to comply with all the procedure of law in order to get the full benefits of this Act. You are also perhaps aware, Sir, that often the women workers in the factories have to leave their children at their hovels apparently unattended to as they are not often blessed with the care of their friends and other persons to take charge of them. It is therefore necessary that the woman should be allowed a little longer time, and I do hope the Labour Minister will see the reason and justification of this contention and will not seriously object to accepting my honourable friend, Mr. Sibnath Banerjee's amendments.

With these remarks, Sir, I would conclude my observations and hope that these amendments will be accepted by the Hon'ble Labour Minister in view of the observations I have made.

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, Sir, that all my sweet reasonableness and persuasiveness has gone in vain and the honourable members have pressed the motions, in spite of suggesting it to them not to do so. I cannot accept the two amendments. It is not a question of women workers not being in a position to take advantage of the Act. This section deals with those cases, when an application has been made by an aggrieved party to prosecute and the Inspector of Factories after making an enquiry has come to the conclusion that there ought not to be a prosecution. Now, Sir, an application made to prosecute only arises some considerable time after the incident has taken place in regard to which the prosecution is pressed and, after, the woman worker is in possession of her normal faculties and is able to prosecute her case.

Now, if the previous section, section 11 will be seen, there also is a provision for 30 days with an appeal to the Labour Commissioner whose decision is final. No objection has been raised to that, Sir There is no reason why there should be an objection to this. Thirty days is ample time, and I consider, Sir, that the decision of the Labour Commissioner on such appeals ought to be final and we ought not to go on proceeding from court to court and harassing one or the other of the parties with legal proceedings.

I may also say that the Commissioner for Workmen's Compensation is in no way a superior officer to the Labour Commissioner. They do not constitute a hierarchy, and a time may come, as in Bombay, when the Labour Commissioner and the Commissioner for Workmen's Compensation may be one and the same person. Then in that case, you cannot have even this question of appeal from the Labour Commissioner to the Commissioner for Workmen's Compensation. I hope, Sir, that my friend will see the reasonableness of my argument and withdraw his amendments.

Mr. SPEAKER: The question before the House is the motion of Mr. Sibnath Banerjee that in clause 11A, line 6, for the words "thirty days" the words "sixty days" be substituted.

The motion was then put and lost.

Mr. NIHARENDU DUTTA MAZUMDAR: Are you sure, Sir, that the volume of acoustics on this side was less than from the other?

Mr. SPEAKER: Order, order, Mr. Mazumdar.

The question before the House is the motion of Mr. Sibnath Banerjee that in clause 11A, lines 8 and 9, for the words "the decision of the Labour Commissioner on such appeal shall be final" the following be substituted, namely:—

> "The aggrieved party may appeal within sixty days to the Commissioner for Workmen's Compensation, Bengal, whose decision shall be final."

The motion was then put and lost.

Mr. SPEAKER: The question before the House is that clause 11A stand part of the Bill.

The motion was then put and agreed to.

Clauses 12 and 13.

Mr. SPEAKER: The question before the House is that clauses 12 and 13 stand part of the Bill.

The motion was then put and agreed to.

Clause 14.

Mr. SIBNATH BANERJEE: Sir, I beg to move that in clause 14 in line 2 for the word "vernacular" the word "vernaculars" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: I accept the amendment Sir.

Mr. SPEAKER: The question before the House is the motion of Mr. Sibnath Banerjee that in clause 14 in line 2 for the word "vernacular" the word "vernaculars" be substituted.

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is that clause 14 as amended stand part of the Bill.

The motion was then put and agreed to.

Mr. SPEAKER: Mr. Banerjee, your amendments Nos. 115 and 116 are not in order.

Mr. SIBNATH BANERJEE: May I enquire, Sir, why they are not in order?

Mr SPEAKER: Because, they will extend the scope of the Bill.

Mr. SIBNATH BANERJEE: They do not extend the scope of the Bill, Sir. They only keep it open so that we may extend it at a future date if it is felt necessary.

Mr. SPEAKER: The question before the House is that the preamble stand part of the Bill.

The motion was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I move that the Bengal Maternity Benefit Bill, 1938, as settled in the Assembly be passed.

Mr. SPEAKER: The question before the House is that the Bengal Maternity Benefit Bill, 1938, as settled in the Assembly be passed.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Tuesday, the 23rd August, 1938, at the Assembly House, Calcutta.

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